

GENERAL LAWS
OF THE
STATE OF IDAHO



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

Chairman Lakey
Senate Judiciary & Rules
Chairman Skaug
House Judiciary, Rules & Administration

CHAPTER 163
(H.B. No. 387)

AN ACT

RELATING TO DOMESTIC VIOLENCE; AMENDING SECTION 18-918, IDAHO CODE, TO RE-
VISE A PENALTY AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMER-
GENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 18-918, Idaho Code, be, and the same is hereby
amended to read as follows:

18-918. DOMESTIC VIOLENCE. (1) For the purpose of this section:

(a) "Household member" means a person who is a spouse, former spouse,
or a person who has a child in common, regardless of whether they have
been married, or a person with whom a person is cohabiting, whether or
not they have married or have held themselves out to be husband or wife.

(b) "Traumatic injury" means a condition of the body, such as a wound
or external or internal injury, whether of a minor or serious nature,
caused by physical force.

(2) (a) Any household member who in committing a battery, as defined
in section 18-903, Idaho Code, inflicts a traumatic injury upon on any
other household member is guilty of a felony.

(b) A conviction of felony domestic battery is punishable by imprison-
ment in the state prison for a term not to exceed ten (10) years or by a
fine not to exceed ten thousand dollars (\$10,000) or by both fine and im-
prisonment.

(3) (a) A household member who commits an assault, as defined in section
18-901, Idaho Code, against another household member ~~which~~ that does
not result in traumatic injury is guilty of a misdemeanor domestic as-
sault.

(b) A household member who commits a battery, as defined in section
18-903, Idaho Code, against another household member ~~which~~ that does
not result in traumatic injury is guilty of a misdemeanor domestic
battery.

(c) A first conviction under this subsection is punishable by a fine not
~~exceeding to exceed~~ one thousand dollars (\$1,000) or by imprisonment in
a county jail not to exceed ~~six (6) months~~ one (1) year, or both. Any
person who pleads guilty to or is found guilty of a violation of this
subsection who previously has pled guilty to or been found guilty of a
violation of this subsection, or of any substantially conforming for-
eign criminal violation, notwithstanding the form of the judgment or
withheld judgment, within ten (10) years of the first conviction, shall
be guilty of a misdemeanor and ~~shall be punished~~ punishable by imprison-
ment in the county jail for a term not to exceed one (1) year or by a fine
not ~~exceeding to exceed~~ two thousand dollars (\$2,000) or by both fine
and imprisonment. Any person who pleads guilty to or is found guilty
of a violation of this subsection who previously has pled guilty to or
been found guilty of two (2) violations of this subsection, or of any
substantially conforming foreign criminal violation or any combination
thereof, notwithstanding the form of the judgment or withheld judgment,
within fifteen (15) years of the first conviction, shall be guilty of
a felony and ~~shall be punished~~ punishable by imprisonment in the state
prison for a term not to exceed five (5) years or by a fine not to exceed
five thousand dollars (\$5,000) or by both fine and imprisonment.

(4) The maximum penalties provided in this section shall be doubled where the act of domestic assault or battery for which the person is convicted or pleads guilty took place in the presence of a child. For purposes of this section, "in the presence of a child" means in the physical presence of a child or knowing that a child is present and may see or hear an act of domestic assault or battery. For purposes of this section, "child" means a person under sixteen (16) years of age.

(5) Notwithstanding any other provisions of this section, any person who previously has pled guilty to or been found guilty of a felony violation of the provisions of this section or of any substantially conforming foreign criminal felony violation, notwithstanding the form of the judgment or withheld judgment, and who, within fifteen (15) years, pleads guilty to or is found guilty of any further violation of this section shall be guilty of a felony and shall be punished punishable by imprisonment in the state prison for a term not to exceed ten (10) years or by a fine not to exceed ten thousand dollars (\$10,000), or by both such fine and imprisonment.

(6) For the purposes of this section, a substantially conforming foreign criminal violation exists when a person has pled guilty to or been found guilty of a violation of any federal law or law of another state, or any valid county, city or town ordinance of another state, substantially conforming with the provisions of this section. The determination of whether a foreign criminal violation is substantially conforming is a question of law to be determined by the court.

(7) (a) Any person who pleads guilty to or is found guilty of a violation of this section or section 18-923, Idaho Code, shall undergo, at the person's own expense, an evaluation by a person, agency or organization approved by the court in accordance with paragraph (c) of this subsection to determine whether the defendant should be required to obtain counseling or other appropriate treatment. Such evaluation shall be completed prior to the sentencing date if the court's list of approved evaluators, in accordance with paragraph (c) of this subsection, contains evaluators who are able to perform the evaluation prior to the sentencing dates. If the evaluation recommends counseling or other treatment, the evaluation shall recommend the type of counseling or treatment considered appropriate for the defendant, together with the estimated costs thereof, and shall recommend any other suitable alternative counseling or treatment programs, together with the estimated costs thereof. The defendant shall request that a copy of the completed evaluation be forwarded to the court. The court shall take the evaluation into consideration in determining an appropriate sentence. If a copy of the completed evaluation has not been provided to the court, the court may proceed to sentence the defendant; however, in such event, it shall be presumed that counseling is required unless the defendant makes a showing by a preponderance of evidence that counseling is not required. If the defendant has not made a good faith effort to provide the completed copy of the evaluation to the court, the court may consider the failure of the defendant to provide the report as an aggravating circumstance in determining an appropriate sentence. If counseling or other treatment is ordered, in no event shall the person, agency or organization doing the evaluation be the person, agency or organization that provides the counseling or other treatment unless this requirement is waived by the sentencing court, with the exception of federally recognized Indian tribes or federal military installations, where diagnosis and treatment are appropriate and available. Nothing herein contained shall preclude the use of funds authorized for court-ordered counseling or treatment pursuant to this section for indigent defendants as provided by law. In the event that funding is provided for or on behalf of the defendant by a governmental entity, the defendant shall be ordered to make restitution to such governmental

entity in accordance with the restitution procedure for crime victims, as specified under chapter 53, title 19, Idaho Code.

(b) If the evaluation recommends counseling or other treatment, the court shall order the person to complete the counseling or other treatment in addition to any other sentence which that may be imposed. If the court determines that counseling or treatment would be inappropriate or undesirable, the court shall enter findings articulating the reasons for such determination on the record. The court shall order the defendant to complete the preferred counseling or treatment program set forth in the evaluation, or a comparable alternative, unless it appears that the defendant cannot reasonably obtain adequate financial resources for such counseling or treatment. In that event, the court may order the defendant to complete a less-costly alternative set forth in the evaluation or a comparable program. Nothing contained in this subsection shall be construed as requiring a court to order that counseling or treatment be provided at government expense unless otherwise required by law.

(c) The supreme court shall by rule establish a uniform system for the qualification and approval of persons, agencies or organizations to perform the evaluations required in this subsection. Only qualified evaluators approved by the court shall be authorized to perform such evaluations. Funds to establish a system for approval of evaluators shall be derived from moneys designated therefor and deposited in the district court fund as provided in section 31-3201A(16), Idaho Code.

(d) Counseling or treatment ordered pursuant to this section shall be conducted according to standards established or approved by the Idaho council on domestic violence and victim assistance.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved March 22, 2024

CHAPTER 164
(H.B. No. 462)

AN ACT

RELATING TO CRIMINAL PROCEDURE; AMENDING SECTION 19-2513, IDAHO CODE, TO REVISE A PROVISION REGARDING PAROLE FOR MERITORIOUS SERVICE AND MEDICAL PAROLE; AMENDING SECTION 19-2715, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 20-201, IDAHO CODE, TO REVISE A PROVISION REGARDING THE DEPARTMENT OF CORRECTION, TO PROVIDE FOR THE STATE BOARD OF CORRECTION, TO REMOVE A PROVISION REGARDING THE COMMISSION OF PARDONS AND PAROLE, AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 20-1001, IDAHO CODE, TO REVISE A DEFINITION AND TO DEFINE A TERM; AMENDING SECTION 20-1002, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE COMMISSION OF PARDONS AND PAROLE; AMENDING SECTION 20-1003, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 20-1004, IDAHO CODE, TO REVISE A PROVISION REGARDING DUTIES AND POWERS OF THE COMMISSION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 20-1005, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 20-1007, IDAHO CODE, TO REVISE A PROVISION REGARDING A VIOLATION OF THE CONDITIONS OF PAROLE; AMENDING SECTION 20-1008, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING

SECTION 67-2601, IDAHO CODE, AS AMENDED BY SECTION 2, CHAPTER 182, LAWS OF 2023, AND BY SECTION 33, CHAPTER 220, LAWS OF 2023, TO PROVIDE FOR THE COMMISSION OF PARDONS AND PAROLE; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 19-2513, Idaho Code, be, and the same is hereby amended to read as follows:

19-2513. UNIFIED SENTENCE. (1) Whenever any person is convicted of having committed a felony, the court shall, unless it shall commute the sentence, suspend or withhold judgment and sentence or grant probation, as provided in chapter 26, title 19, Idaho Code, or unless it shall impose the death sentence as provided by law, sentence such offender to the custody of the state board of correction. The court shall specify a minimum period of confinement and may specify a subsequent indeterminate period of custody. The court shall set forth in its judgment and sentence the minimum period of confinement and the subsequent indeterminate period, if any, provided, that the aggregate sentence shall not exceed the maximum provided by law. During a minimum term of confinement, the offender shall not be eligible for parole or discharge or credit or reduction of sentence for good conduct except for meritorious service except as provided in section 20-101D, Idaho Code, or for medical parole as provided in section 20-1006, Idaho Code. The offender may be considered for parole or discharge at any time during the indeterminate period of the sentence and as provided in section 20-1006, Idaho Code.

(2) If the offense carries a mandatory minimum penalty as provided by statute, the court shall specify a minimum period of confinement consistent with such statute. If the offense is subject to an enhanced penalty as provided by statute, or if consecutive sentences are imposed for multiple offenses, the court shall, if required by statute, direct that the enhancement or each consecutive sentence contain a minimum period of confinement; in such event, all minimum terms of confinement shall be served before any indeterminate periods commence to run.

(3) Enactment of this amended section shall not affect the prosecution, adjudication or punishment of any felony committed before the effective date of enactment.

SECTION 2. That Section 19-2715, Idaho Code, be, and the same is hereby amended to read as follows:

19-2715. MINISTERIAL ACTIONS RELATING TO STAYS OF EXECUTION, RESETTling EXECUTION DATES, AND ORDER FOR EXECUTION OF JUDGMENT OF DEATH. (1) Hereafter, no further stays of execution shall be granted to persons sentenced to death except that a stay of execution shall be granted during an appeal taken pursuant to section 19-2719, Idaho Code, during the automatic review of judgments imposing the punishment of death provided by section 19-2827, Idaho Code, by order of a federal court or as part of a commutation proceeding pursuant to section ~~20-1015~~ 20-1016, Idaho Code.

(2) Upon remittitur or mandate after a sentence of death has been affirmed, the state shall apply for a warrant from the district court in which the conviction was had, authorizing execution of the judgment of death. Upon such application, the district court shall set a new execution date not more than thirty (30) days thereafter.

(3) If a stay of execution is granted pursuant to subsection (1) of this section and, as a result, no execution takes place on the date set by the district court, upon termination of the stay, the state shall apply for another warrant and, upon such application, the district court shall set a new execution date not more than thirty (30) days thereafter.

(4) If for any reason, other than those set forth in subsection (1) of this section, a judgment of death has not been executed, and it remains in force, the state shall apply for another warrant. Upon such application, the district court may inquire into the facts, and, if no legal reason exists against the execution of the judgment, must make an order that the warden execute the judgment at a special specified time. The warden must execute the judgment accordingly.

(5) Action of the district court under this section is ministerial only. No hearing shall be required for setting a new execution date, and the court shall inquire only into the fact of an existing death sentence and the absence of a valid stay of execution.

(6) For purposes of this section, the phrase "stay of execution" shall refer to a temporary postponement of an execution as a result of a court order or an order of the governor postponing the execution while a petition for commutation is pending.

SECTION 3. That Section 20-201, Idaho Code, be, and the same is hereby amended to read as follows:

20-201. DEPARTMENT OF CORRECTION CREATED. There is hereby created the department of correction, ~~which shall consist of the state board of correction and the Idaho commission of pardons and parole. The state board of correction, as outlined in section 5, article X of the constitution of the state of Idaho, shall control, direct, and manage the department of correction consistent with the constitution of the state of Idaho and as required by law.~~ The department of correction shall, for the purposes of section 20, article IV, of the constitution of the state of Idaho, be an executive department of state government. ~~The Idaho commission of pardons and parole will operate and function as outlined in chapter 10, title 20, Idaho Code, and as otherwise provided by law.~~

SECTION 4. That Section 20-1001, Idaho Code, be, and the same is hereby amended to read as follows:

20-1001. DEFINITIONS. As used in this chapter, unless the context clearly indicates or requires otherwise, the following terms shall be defined as follows:

(1) "Board" means the state board of correction.

(2) "Commission" means the Idaho commission of pardons and parole, which, in addition to any other duties and powers granted to it by law, shall be the board of pardons as described in section 7, article IV of the constitution of the state of Idaho, with all rights, powers, and authority that are granted to it by the constitution of the state of Idaho.

(3) "Commissioner" means a member of the commission.

~~(3)~~ (4) "Executive director" means the executive director of the commission.

SECTION 5. That Section 20-1002, Idaho Code, be, and the same is hereby amended to read as follows:

20-1002. COMMISSION CREATED -- APPOINTMENT -- QUALIFICATIONS -- TERMS -- MEETINGS -- COMPENSATION -- EXECUTIVE DIRECTOR AND STAFF. (1) There is hereby created the Idaho commission of pardons and parole. The governor shall appoint a commission, each member of which shall be seven (7) commissioners, subject to the advice and consent of the senate, which shall succeed to and have all rights, powers and authority of said board of pardons as are granted and provided by the provisions of the constitution of the state of Idaho.

(2) ~~The commission shall be composed of seven (7) members. The members Commissioners shall serve at the pleasure of the governor and not more than four (4) members commissioners shall be from any one (1) political party.~~

(3) Terms on the commission shall be for three (3) years, and vacancies in the commission for unexpired terms shall be filled by appointment by the governor for the remainder of the term and all appointees may be reappointed. Commissioners may be reappointed for subsequent terms.

(4) The commission and the board may meet as necessary to exchange such information to enable each to effectively carry out their respective duties.

(5) The commission shall meet at such times and places as determined to be necessary and convenient, or at the call of the executive director, and in any event no less than quarterly.

(6) Two (2) commissioners may meet to make decisions on the disposition of parole violations. Such decisions must be unanimous, and in the event they are not unanimous, then the parole violation disposition decision will be made by a majority of the full commission either at the next quarterly meeting or special meeting.

(7) Three (3) commissioners may meet to make decisions to grant or deny parole. Such decisions must be unanimous, and in the event they are not unanimous, then the decision to grant or deny parole will be made by a majority of the full commission at the next quarterly meeting.

(8) Commissioners shall be compensated as provided by section 59-509(i), Idaho Code, when attending quarterly meetings conducted at a date and time separate from a hearing session or other meetings approved by the executive director. Commissioners shall receive compensation of three hundred dollars (\$300) per commissioner per day when conducting parole, commutation, pardon, revocation or other hearings and shall be reimbursed for actual and necessary expenses subject to the limitations provided in section 67-2008, Idaho Code.

(9) The governor shall appoint the executive director for the commission. The executive director shall be the full-time employee who shall report to, serve at the pleasure of, and be compensated as determined by the governor. The executive director shall be the official representative for the commission, shall be responsible for the managing and administration of daily commission business, shall assist the commission in carrying out all of its duties and powers as prescribed by law, and shall schedule business meetings and hearing sessions at times convenient to the commissioners. For each scheduled session, the executive director shall designate one (1) of the commissioners as the presiding officer for conducting the hearings. The executive director may hire such staff and employees as are approved by the governor. The executive director shall also have such other duties and responsibilities as the governor shall assign.

SECTION 6. That Section 20-1003, Idaho Code, be, and the same is hereby amended to read as follows:

20-1003. COMPLIANCE WITH OPEN MEETINGS LAW -- EXECUTIVE SESSIONS AUTHORIZED -- REPORT REQUIRED. (1) All meetings and hearings of the commission shall be held in accordance with the open meetings law as provided in chapter 2, title 74, Idaho Code, except:

(a) An initial review of an application for a request for parole, pardon, commutation or firearm restoration may be held in executive session. The executive session shall be limited to a decision as to whether a hearing should be granted;

(b) When a hearing is granted, it will be conducted in open session. Pursuant to section 74-206, Idaho Code, deliberations and voting concerning the granting, revoking, reinstating or refusing of paroles; the granting or denying of pardons or commutations; or the granting or denying of firearm restorations shall be made in executive session;

(c) Votes of individual ~~members~~ commissioners in arriving at the parole, pardon, firearm restoration or commutation decisions shall not be made public, provided that the commission shall maintain a record of the votes of the individual ~~members~~ commissioners as required in subsection (3) of this section; and

(d) Meetings of less than a majority of the commission to make decisions concerning the grant or denial of parole or the disposition of parole violations as provided in section 20-1002, Idaho Code.

(2) In order to satisfy the requirements of section 74-203(5), Idaho Code, when the commission meets using telecommunications devices, the executive director may designate an employee of the commission to be present at the physical location of the meeting.

(3) A written record of the vote to grant or deny parole, pardon, firearm restoration or commutation by each ~~commission member~~ commissioner in each case reviewed by that ~~member~~ commissioner shall be made by the commission. The record produced by the commission pursuant to this section shall be kept confidential and privileged from disclosure, provided the record shall be made available, upon request, to the governor or the governor's representative, the chairman and most senior minority member of the senate judiciary and rules committee, and the chairman and most senior minority member of the house of representatives judiciary, rules and administration committee, for all lawful purposes. All committee members and representatives of the governor's office shall keep such record confidential. Distribution of the report by a commissioner or an employee of the executive director to any person not specifically listed in this section shall be a misdemeanor.

(4) Nothing contained in this section shall prevent any person from obtaining the results of any parole, pardon, firearm restoration or commutation action by the commission without reference to the manner in which any ~~member~~ individual commissioner voted, and the commission shall make such information public information.

(5) Nothing contained in this section shall prevent the executive director or designated staff of the executive director from attending any meeting, including an executive session of the commission.

(6) Nothing contained in this section shall prevent the governor, the governor's representative, the chairman and most senior minority member of the senate judiciary and rules committee, and the chairman and most senior minority member of the house of representatives judiciary, rules and administration committee from attending any meeting, including an executive session of the commission.

SECTION 7. That Section 20-1004, Idaho Code, be, and the same is hereby amended to read as follows:

20-1004. DUTIES AND POWERS OF THE COMMISSION. The commission shall:

(1) Have the powers relating to commutation, pardon and remission of fines and forfeitures as set forth in section 7, article IV₇ of the Idaho constitution;

(2) Subject to and consistent with the provisions of this chapter and section 19-2513, Idaho Code, decide whether any prisoner who is eligible for parole may be released on parole;

(3) Subject to and consistent with the provisions of section 7, article IV₇ of the constitution of the state of Idaho; chapter 2, title 20, Idaho Code; and section 19-2513, Idaho Code; and in compliance with chapter 52, title 67, Idaho Code, have the authority to promulgate rules to establish the procedures to carry out the provisions of this chapter, including procedures under which any eligible prisoner may be released on parole;

(4) Specify in writing the conditions of parole for every prisoner released on parole and provide every prisoner released on parole with a copy of the conditions of parole;

(5) Subject to and consistent with the provisions of this chapter, issue orders of final discharge from parole for eligible parolees; and

(6) Carry out all other duties and powers relating to the commission as set forth in Idaho Code.

SECTION 8. That Section 20-1005, Idaho Code, be, and the same is hereby amended to read as follows:

20-1005. RULES GOVERNING PAROLE -- LEGISLATIVE INTENT -- RESTRICTIONS -- REQUIRED PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION -- REQUIRED REPORT. (1) It is the intent of the legislature to focus prison space on those who commit the most serious offenses or who have the highest likelihood of offending in the future, and the commission, consistent with the provisions of this subsection, shall promulgate rules that establish clear guidelines and procedures that retain the commission's discretion in individual cases.

(2) Subject to the provisions of section 20-1004, Idaho Code, the commission shall have the power to establish rules under which any prisoner, excepting any under sentence of death, may be allowed to go upon parole but to remain while on parole in the legal custody and under the control of the board and subject to be taken back into confinement at the direction of the commission.

(3) Any prisoner who is granted parole under the interstate compact may be required to post a bond prior to release or prior to such acceptance under the interstate compact; such bond may be posted by the prisoner, the prisoner's family, or other interested party. Failure to successfully complete parole may be grounds for forfeiture of the bond. Upon successful completion of parole, the amount of the bond may be returned, less an amount for administrative costs as determined by commission rule, in compliance with chapter 52, title 67, Idaho Code. A request shall be made for return of the bond within one (1) year of discharge of the offense for which the particular offender was serving parole. Funds collected through the bonding process will be placed in a separate commission receipts fund that is hereby created in the state treasury and utilized for the extradition of parole violators.

(4) No person serving a sentence for rape, incest, committing a lewd act upon a child, or with an intent or an assault with intent to commit any such crimes, or serving a sentence for sexual abuse of an animal or sexual abuse of human remains, or whose history and conduct indicate to the commission that the person is a sexually dangerous person, shall be released on parole except upon the examination and evaluation of one (1) or more psychiatrists or psychologists or mental health professionals designated for this purpose by the department to be selected by the commission, and such evaluation shall be duly considered by the commission in making its parole determination. The commission may, in its discretion, likewise require a similar examination and evaluation for persons serving sentences for crimes other than those described in this subsection. No person making such evaluation shall be held financially responsible to any person for denial of parole by the commission or for the results of the future acts of such person if granted parole.

(5) Before considering the parole of any prisoner, the commission shall ensure that a risk assessment has been conducted pursuant to section 20-224, Idaho Code, and shall afford the prisoner the opportunity to be interviewed by the commission, a commissioner, or other commission staff designated by the executive director. A designated report and risk assessment, prepared by commission staff or a designated department of correction employee, that is specifically to be used by the commission in making a parole determination shall be exempt from public disclosure; such reports contain information from the presentence investigation report, medical or psychological infor-

mation, the results of a risk assessment, victim information, designated confidential witness information, and criminal history information. A parole shall be ordered when, in the discretion of the commission, it is in the best interests of society and the commission believes the prisoner is able and willing to fulfill the obligations of a law-abiding citizen. Such determination shall not be a reward of clemency, and it shall not be considered to be a reduction of sentence or a pardon. The commission may also by its rules fix the times and conditions under which any application denied may be reconsidered. No action may be maintained against the commission or ~~any of its members~~ individual commissioner in any court in connection with any decision taken by the commission to parole a prisoner, and neither the commission nor ~~its members~~ any individual commissioner shall be liable in any way for its action with respect thereto.

(6) In making any parole or commutation decision with respect to a prisoner, the commission shall consider the current risk assessment, criminal history, program participation, compliance and completion, institutional misconduct, and other individual characteristics related to the likelihood of offending in the future, as well as the compliance of the prisoner with any order of restitution that may have been entered according to section 19-5304, Idaho Code. The commission may make compliance with such an order of restitution a condition of parole.

(7) Except as provided in section 20-1004(3), Idaho Code, no provision of chapter 52, title 67, Idaho Code, shall apply to the commission.

(8) By February 1 of each year, the department and the commission shall submit a report to the governor, the senate judiciary and rules committee, and the house of representatives judiciary, rules, and administration committee that describes the most common reasons for delay or denial of release, including statistical data supporting the conclusions of the report.

SECTION 9. That Section 20-1007, Idaho Code, be, and the same is hereby amended to read as follows:

20-1007. CONDITIONS OF PAROLE TO BE SPECIFIED IN WRITING -- WARRANT FOR ARREST OF SUSPECTED VIOLATORS -- EFFECT OF SUSPENSION AND ARREST. (1) The commission, in releasing a person on parole, shall specify in writing the conditions of parole, and a copy of such conditions shall be given to the person paroled. The commission shall include in the conditions of parole a requirement that the defendant enter into and comply with an agreement of supervision with the board of correction. The agreement of supervision shall include provisions setting forth the potential sanctions for a violation of the conditions imposed and potential rewards for compliance with the conditions imposed, as such sanctions and rewards are set forth in rules of the board.

(2) Whenever the commission finds that a parolee may have violated the conditions of parole, the written order of the commission, signed by ~~a member or members of the commission~~ a majority of the full commission, by a unanimous panel of three (3) commissioners, or by the executive director, shall be sufficient warrant for any law enforcement officer to take into custody such person, and it is hereby made the duty of all sheriffs, police, constables, parole and probation officers, prison officials and other peace officers to execute such order. Such warrant shall serve to suspend the person's parole until a determination on the merits of the allegations of the violation has been made pursuant to a revocation hearing. From and after the issuance of the warrant and suspension of the parole of any convicted person and until arrest, the parolee shall be considered a fugitive from justice. Such person so recommitted, except as provided in section 20-1010, Idaho Code, must serve out the sentence, and the time during which such prisoner was out on parole shall not be deemed a part thereof, unless the commission, in its dis-

cretion, shall determine otherwise, but nothing herein contained shall prevent the commission from again paroling such prisoners at its discretion.

SECTION 10. That Section 20-1008, Idaho Code, be, and the same is hereby amended to read as follows:

20-1008. PAROLE REVOCATION HEARING. (1) Whenever a paroled prisoner is accused of a violation of parole, other than by absconding supervision or the commission of, and conviction for, a felony or misdemeanor offense under the laws of this state, or any other state, or any federal laws, the parolee shall be entitled to a fair and impartial hearing of such charges within thirty (30) days from the date the accused is served with the charges of the violation of conditions of parole subsequent to arrest and detention. The hearing shall be held before one (1) or more ~~members of the commission commissioners~~ or before an impartial hearings officer selected by the executive director. Such hearing shall be held at a place or places, within this state, reasonably near the site of the alleged violation or violations of parole. If the parolee has been supervised outside of the state of Idaho and such violations occurred outside of Idaho, the executive director or hearing officer shall determine the location of the hearing.

(2) Whenever a paroled prisoner is accused of a violation of parole by absconding supervision or the commission of, and conviction for, a felony or misdemeanor offense under the laws of this state, or any other state, or any federal laws, the parolee shall be entitled to a fair and impartial hearing within a reasonable time from the date the accused is served with such charges. The location of such hearing shall be determined by the executive director or hearing officer.

SECTION 11. That Section 67-2601, Idaho Code, as amended by Section 2, Chapter 182, Laws of 2023, and by Section 33, Chapter 220, Laws of 2023, be, and the same is hereby amended to read as follows:

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

(2) The department shall consist of the following:

(a) Agricultural commodity commissions: Idaho apple commission, as provided by chapter 36, title 22, Idaho Code; Idaho bean commission, as provided by chapter 29, title 22, Idaho Code; Idaho beef council, as provided by chapter 29, title 25, Idaho Code; Idaho cherry commission, as provided by chapter 37, title 22, Idaho Code; Idaho dairy products commission, as provided by chapter 31, title 25, Idaho Code; Idaho pea and lentil commission, as provided by chapter 35, title 22, Idaho Code; Idaho potato commission, as provided by chapter 12, title 22, Idaho Code; Idaho wheat commission, as provided by chapter 33, title 22, Idaho Code; and Idaho alfalfa and clover seed commission, as provided in chapter 42, title 22, Idaho Code.

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

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

(d) The division of veterans services, to be headed by a division administrator who shall be a nonclassified employee exempt from the provisions of chapter 53, title 67, Idaho Code. The administrator of the division shall administer the provisions of chapter 2, title 65, Idaho Code, and chapter 9, title 66, Idaho Code, with the advice of the veterans affairs commission established under chapter 2, title 65, Idaho Code, and shall perform such additional duties as are imposed upon him by law.

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

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

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

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

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

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

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

SECTION 12. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved March 22, 2024

CHAPTER 165
(H.B. No. 477)

AN ACT

RELATING TO AUDITORIUM DISTRICTS; AMENDING SECTION 67-4930, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE DISSOLUTION OF AN AUDITORIUM DISTRICT AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 67-4930, Idaho Code, be, and the same is hereby amended to read as follows:

67-4930. DISSOLUTION OF DISTRICT -- PROCEDURE. An auditorium district may be dissolved as follows:

(a) Any person or persons may file a petition for the dissolution of an auditorium district with the clerk. Such petition, which may be in one (1) or more papers, shall state the name of the district and shall be signed by not less than three thousand (3,000) qualified electors resident within the boundaries of the district or fifteen percent (15%) of the total number of qualified electors resident within the boundaries of the district, whichever is less.

(b) Within thirty (30) days after the filing of such petition, the county commissioners shall determine whether or not the same substantially complies with the requirements of this section. If the county commissioners find that there has not been substantial compliance with such requirements, they shall enter an order to that effect specifying the particular deficiencies and dismissing the petition. If the county commissioners find that there has been substantial compliance with such requirements, the county commissioners shall forthwith enter an order to that effect and calling call an election upon for the dissolution of such district to be held at the same time as the next county general election, as provided in this section.

(c) If the county commissioners order an election as provided in this section, such election shall be conducted and notice thereof given by the county clerk in accordance with the provisions of title 34, Idaho Code.

(d) Immediately after such election, the county commissioners shall canvass the vote as provided in chapter 12, title 34, Idaho Code. If one-half (1/2) or more of the votes cast at such election are against the dissolution of such district, the county commissioners shall enter an order so finding and declaring that such district shall not be dissolved. If more than one-half (1/2) of the votes cast at such election are in favor of dissolving such district, the county commissioners shall enter an order so finding and declaring such district duly dissolved. The county commissioners shall cause one (1) certified copy of such order to be filed in the office of the county recorder of such county. Immediately upon the entry of such order, the dissolution of such district shall be complete.

(e) Upon such dissolution being complete, title to all property of the dissolved district shall vest in the county where such property is situated. The county commissioners shall then: sell and dispose thereof in the manner provided by law for the sale or disposition of county property; apply the proceeds thereof to pay any lawful claims against the dissolved district, if any; and apply the balance remaining, if any, to any public purpose within the county.

(f) When the boundaries of the district lie in two (2) or more counties, the county commissioners of each county shall act separately in the election and dissolution of that part of the district contained in their county but the county commissioners of each such county shall meet together before calling such election and provide for uniform proceedings in each county. If there is any balance remaining after sale and disposition of the property of such dissolved district, it shall be prorated among such counties in proportion to each county's share of the total assessed valuation of such dissolved district for the preceding calendar year.

(g) After such election, the validity of the proceedings hereunder shall not be affected by any defect in the petition or in the number or qualifications of the signers thereof, and in no event shall any action be commenced or maintained or defense made affecting the validity of the dissolution of such district after six (6) months has expired from the date of entering the order declaring the dissolution of such district.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved March 22, 2024

CHAPTER 166
(H.B. No. 578)

AN ACT

RELATING TO ADOPTION AND FOSTER CARE; PROVIDING LEGISLATIVE INTENT; AMENDING CHAPTER 16, TITLE 16, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 16-1648, IDAHO CODE, TO DEFINE TERMS, TO ESTABLISH PROVISIONS PROHIBITING RELIGIOUS DISCRIMINATION FOR ADOPTION AND FOSTER CARE SERVICES, TO ESTABLISH PROVISIONS REGARDING ENFORCEMENT, AND TO ESTABLISH PROVISIONS REGARDING REMEDIES; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. LEGISLATIVE INTENT. It is the intent of the Legislature that the state places a child in a safe, loving, and supportive home when the state must place a child with an adoptive or foster family. The adoption and foster care agencies of this state represent diverse organizations and groups, some of which are faith-based and some of which are not faith-based. Children in need of placement services benefit from having as many adoption and foster parent agencies as possible because the more agencies that take part in these services, the greater the likelihood that a child will find a permanent placement. Children and families benefit greatly from the adoption and foster care services provided by faith-based and non-faith-based child placing agencies. Faith-based organizations and groups have a lengthy and distinguished history of providing adoption and foster care services in this state. Private child placing agencies and individuals, including faith-based child placing agencies and individuals, have the right to free exercise of religion under both the state and federal constitutions. Under well-settled principles of constitutional law, this right includes the freedom to abstain from conduct that conflicts with an agency's sincerely held religious beliefs. It is the intent of the Legislature that ensuring that faith-based child placing agencies can continue to provide adoption and foster care services will benefit the children and families who receive those services.

SECTION 2. That Chapter 16, Title 16, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 16-1648, Idaho Code, and to read as follows:

16-1648. PROHIBITION ON RELIGIOUS DISCRIMINATION. (1) As used in this section:

(a) "Adoption or foster care" or "adoption or foster care services" means social services provided to or on behalf of children, including services:

- (i) Promoting foster parenting;
- (ii) Providing foster homes, residential care, group homes, or temporary group shelters for children;
- (iii) Recruiting foster parents;
- (iv) Placing children in foster homes;
- (v) Licensing or certifying foster homes;
- (vi) Promoting adoption or recruiting adoptive parents;
- (vii) Assisting adoptions or supporting adoptive families;
- (viii) Performing or assisting home studies;
- (ix) Assisting kinship guardianships or kinship caregivers;
- (x) Providing family support services; and
- (xi) Providing temporary family reunification services.

(b) "Discriminatory action" means any action taken by the state government to:

- (i) Alter in any way the tax treatment of, or cause any tax, penalty, or payment to be assessed against, or deny, delay, revoke, or otherwise make unavailable an exemption from taxation of any person referred to in subsections (2) and (3) of this section;
- (ii) Disallow, deny, or otherwise make unavailable a deduction for state tax purposes of any charitable contribution made to or by any person referred to in subsections (2) and (3) of this section;
- (iii) Withhold, reduce, exclude, terminate, materially alter the terms or conditions of, or otherwise make unavailable or deny any state grant, contract, subcontract, cooperative agreement, guarantee, loan, scholarship, or other similar benefit from or to any person referred to in subsections (2) and (3) of this section;
- (iv) Withhold, reduce, exclude, terminate, adversely alter the terms or conditions of, or otherwise make unavailable or deny any entitlement or benefit under a state benefit program from or to any person referred to in subsections (2) and (3) of this section;
- (v) Impose, levy, or assess a monetary fine, fee, penalty, damages award, or injunction;
- (vi) Withhold, reduce, exclude, terminate, materially alter the terms or conditions of, or otherwise make unavailable or deny any license, certification, accreditation, custody award or agreement, diploma, grade, recognition, or other similar benefit, position, or status from or to any person; or
- (vii) Refuse to hire or promote, force to resign, terminate, demote, sanction, discipline, adversely alter the terms or conditions of employment of, or retaliate or take other adverse employment action against a person employed or commissioned by the state government.

(c) "State benefit program" means any program administered, controlled, or funded by the state, or by any agent on behalf of the state, providing cash, payments, grants, contracts, loans, or in-kind assistance.

(d) "State government" means:

- (i) The state or a political subdivision of the state;
- (ii) Any agency of the state or of a political subdivision of the state, including a department, bureau, board, commission, council, or court;
- (iii) Any city, county, urban county government, charter county government, unified local government, consolidated local government, special district, or any combination thereof;
- (iv) Any person acting under color of state law; and
- (v) Any private person suing under or attempting to enforce a law, rule, or regulation adopted by the state or a political subdivision of the state.

(2) The state government shall not take any discriminatory action against a person that advertises, provides, or facilitates adoption or foster care services wholly or partially on the basis that the person has provided or declined to provide any adoption or foster care service or related service based on or in a manner consistent with a sincerely held religious belief.

(3) The state government shall not take any discriminatory action against a person who the state grants custody of a foster or adoptive child wholly or partially on the basis that the person guides, instructs, or raises a child, or intends to guide, instruct, or raise a child, based on or in a manner consistent with a sincerely held religious belief. The state government may consider whether a person shares the same religious or faith tradition as a foster or adoptive child when considering placement of the

child in order to prioritize placement with a person of the same religious or faith tradition.

(4) The state government shall consider any person as accredited, licensed, or certified who would otherwise be accredited, licensed, or certified, respectively, for any purposes under state law if not for a determination against such person wholly or partially on the basis that the person believes, maintains policies and procedures, or acts in accordance with a sincerely held religious belief.

(5) The state government shall consider any person for a contract, grant, or agreement that would otherwise be considered for a contract, grant, or agreement if not for a determination against such person wholly or partially on the basis that the person believes, maintains policies and procedures, or acts in accordance with a sincerely held religious belief.

(6) A person may assert a violation of the provisions of this section as a claim against the state government in any judicial or administrative proceeding or as a defense in any judicial or administrative proceeding without regard to whether the proceeding is brought by or in the name of the state government, any private person, or any other party.

(7) Notwithstanding any other provision of law to the contrary, an action under this section may be commenced, and relief may be granted, without regard to whether the person commencing the action has sought or exhausted available administrative remedies.

(8) A person shall bring an action to assert a claim under this section no later than two (2) years after the date that the person knew or should have known that a discriminatory action was taken against that person.

(9) Any person who successfully asserts a claim or defense under this section may recover:

- (a) Declaratory relief;
- (b) Injunctive relief to prevent or remedy a violation of this section or the effects of such a violation;
- (c) Compensatory damages;
- (d) Reasonable attorney's fees and costs; and
- (e) Any other appropriate relief, except that declaratory relief and injunctive relief shall be available against a private person not acting under color of state law upon a successful assertion of a defense under this section.

(10) Sovereign, governmental, and qualified immunities to suit and from liability are waived and abolished to the extent of liability pursuant to subsection (9) of this section, and a person may sue the state government, except state courts, for damages allowed pursuant to subsection (9) of this section.

SECTION 3. SEVERABILITY. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this act.

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved March 25, 2024

CHAPTER 167
(S.B. No. 1283)

AN ACT

RELATING TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM; AMENDING SECTION 59-1302, IDAHO CODE, TO REVISE A DEFINITION; AND DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

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

59-1302. DEFINITIONS. (1) As used in this chapter, each of the terms defined in this section shall have the meaning given in this section unless a different meaning is clearly required by the context.

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

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

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

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

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

(5B) "Approved domestic retirement order" means a domestic retirement order that creates or recognizes the existence of an alternate payee's right or assigns to an alternate payee the right to all or a portion of the accrued benefits of a member under the retirement system, that directs the system to establish a segregated account or disburse benefits to an alternate payee, and that the executive director of the retirement system has determined meets the requirements of sections 59-1319 and 59-1320, Idaho Code.

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

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

(i) The highest average salary; and

(ii) Membership service of at least one-half (1/2) the number of months in the period, excluding months of service attributable to:

A. Military service;

B. Service qualifying as minimum benefit pursuant to section 59-1342 (5), Idaho Code; and

C. Worker's compensation income benefits.

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

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

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

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

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

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

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

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

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

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

(11) "Disability retirement allowance" means the periodic payment becoming payable to a member who meets all applicable eligibility requirements for disability retirement.

(12) "Disabled" means:

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

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

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

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

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

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

(13) "Early retirement allowance" means the periodic payment becoming payable to a member who meets all applicable eligibility requirements for early retirement.

(13A) "Early retirement" means retirement by a member prior to age sixty (60) years for police officer members or age sixty-five (65) years for general members.

(14) (A) "Employee" means:

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

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

(c) A person who is separated from service with fewer than five (5) consecutive months of employment and who is reemployed or reinstated by an employer participating in the public employee retirement system of Idaho within thirty (30) days; or

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

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

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

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

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

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

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

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

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

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

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

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

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

(16) "Firefighter" means:

(a) An employee, including paid firefighters hired on or after October 1, 1980, whose primary occupation is that of preventing and extinguishing fires as determined by the rules of the board; or

(b) The state fire marshal or the state fire marshal's deputies.

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

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

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

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

(20A) "Ineligible" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(31) (A) "Salary" means:

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

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

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

(C) "Salary" does not include:

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

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

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

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

(31A) "School employee" means any employee of any school district or charter school employed as instructional staff, pupil service staff, or professionally endorsed staff and any staff holding a certificate pursuant to section 33-1201A, Idaho Code, and school bus drivers and resource officers, subject to the provisions of subsection (14) of this section.

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

(32) "Separation benefit" means the amount, if any, pursuant to section 59-1359, Idaho Code.

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

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

(34A) "Service retirement" means retirement by a member at or after age sixty (60) years for police officer members or at or after age sixty-five (65) years for general members.

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

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

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

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

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

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

(d) Was not covered by a merit system for employees of the state of Idaho;

is vested without regard to the length of credited service.

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

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval, and retroactively to January 1, 2012.

Approved March 25, 2024

CHAPTER 168
(H.B. No. 449)

AN ACT

RELATING TO TAXATION; AMENDING SECTION 63-602G, IDAHO CODE, TO PROVIDE FOR CERTAIN FORMS, TO REQUIRE TAXPAYERS TO PROVIDE CERTAIN INFORMATION TO COUNTY ASSESSORS, TO PROVIDE PENALTIES FOR IMPROPER HOMESTEAD EXEMPTION CLAIMS, TO PROVIDE QUALIFICATIONS, TO PROVIDE PROCEDURES FOR APPEALS, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 63-3077, IDAHO CODE, TO REVISE PROVISIONS REGARDING TAXPAYER INFORMATION COLLECTED BY THE STATE TAX COMMISSION; AMENDING SECTION 63-301A, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 63-602G, Idaho Code, be, and the same is hereby amended to read as follows:

63-602G. PROPERTY EXEMPT FROM TAXATION -- HOMESTEAD. (1) For each tax year, the first one hundred twenty-five thousand dollars (\$125,000) of the market value for assessment purposes of the homestead as that term is defined in section 63-701, Idaho Code, or fifty percent (50%) of the market value for assessment purposes of the homestead as that term is defined in section 63-701, Idaho Code, whichever is the lesser, shall be exempt from property taxation.

(2) The exemption allowed by this section may be granted only if:

(a) The homestead is owner-occupied and used as the primary dwelling place of the owner. The homestead may consist of part of a multi-dwelling or multipurpose building and shall include all of such dwelling or building except any portion used exclusively for anything other than the primary dwelling of the owner. The presence of an office in a homestead, which office is used for multiple purposes, including business and personal use, shall not prevent the owner from claiming the exemption provided in this section; and

(b) The state tax commission has certified to the board of county commissioners that all properties in the county subject to appraisal by the county assessor have, in fact, been appraised uniformly so as to secure a just valuation for all property within the county; and

(c) The owner has certified to the county assessor that:

(i) He is making application for the exemption allowed by this section;

(ii) The homestead is his primary dwelling place; and

(iii) He has not made application in any other county for the exemption and has not made application for the exemption on any other homestead in the county.

(d) For the purpose of this section, the definition of "owner" shall be the same definition set forth in section 63-701(7), Idaho Code. When an "owner," pursuant to the provisions of section 63-701(7), Idaho Code, is any person who is the beneficiary of a revocable or irrevocable trust, or who is a partner of a limited partnership, a member of a limited liability company, or a shareholder of a corporation, he or she may provide proof of the trust, limited partnership, limited liability company, or corporation in the manner set forth in section 63-703(4), Idaho Code.

(e) Any owner may request in writing the return of all copies of any documents submitted with the affidavit set forth in section 63-703(4), Idaho Code, that are held by a county assessor, and the copies shall be returned by the county assessor upon submission of the affidavit in proper form.

(f) For the purpose of this section, the definition of "primary dwelling place" shall be the same definition set forth in section 63-701(8), Idaho Code.

(g) For the purpose of this section, the definition of "occupied" shall be the same definition set forth in section 63-701(6), Idaho Code.

(3) The county assessor of each county shall prescribe and make available forms to be used by a homeowner to apply for the homestead exemption provided in this section. The homeowner shall provide on such forms the homeowner's full name, date of birth, complete address, and most recent previous complete address. The homeowner shall also provide, if applicable, such homeowner's state-issued driver's license number or state-issued identification card number.

~~(3)~~ (4) An owner need only make application for the exemption described in subsection (1) of this section only once, as long as all of the following conditions are met:

(a) The owner has received the exemption during the previous year as a result of his making a valid application as set forth in subsection (2) (c) of this section.

(b) The owner or beneficiary, partner, member or shareholder, as appropriate, still occupies the same homestead for which the owner made application.

(c) The homestead described in paragraph (b) of this subsection is owner-occupied or occupied by a beneficiary, partner, member or shareholder, as appropriate, and used as the primary dwelling place of the owner or beneficiary, partner, member or shareholder, as appropriate.

~~(4)~~ (5) The exemption allowed by this section shall be effective upon the date of the application and must be taken before the reduction in taxes provided by sections 63-701 through 63-710, Idaho Code, is applied.

~~(5)~~ (6) Recovery of property tax exemptions allowed by this section but improperly claimed or approved:

(a) (i) Prior to granting an exemption, the county assessor shall investigate whether an applicant for the exemption has claimed the exemption for another homestead and shall not grant the exemption where it appears the exemption has been improperly claimed. The applicant shall be notified of the county assessor's refusal to grant the exemption.

(ii) Upon discovery of evidence, facts or circumstances indicating any exemption allowed by this section was improperly claimed or approved, the county assessor shall decide whether the exemption claimed should have been allowed and, if not, notify the taxpayer in writing, assess a recovery of property tax and notify the county treasurer of this assessment. If the county assessor determined that an exemption was improperly approved as a result of county error, the county assessor shall present the discovered evidence, facts or circumstances from the improperly approved exemption to the board of county commissioners, at which time the board may waive a recovery of the property tax₇ and notify such taxpayer in writing.

(iii) Upon the first instance of a taxpayer being discovered to have claimed more than one (1) homestead exemption, the taxpayer shall be subject to a penalty, payable to the county treasurer, in an amount equal to the amount of property tax recovered pursuant to subparagraph (ii) of this paragraph, which shall be paid in addition to such recovery amount. The taxpayer shall be notified of the assessment of such penalty at the same time as the notice of the assessor's refusal to grant the exemption in subparagraph (i) of this paragraph.

(iv) Any subsequent violation within seven (7) years of an instance pursuant to subparagraph (iii) of this paragraph shall be a misdemeanor, subject to the penalties provided in section 18-113, Idaho Code. The county assessor shall notify the county prosecuting attorney of any conduct that would constitute a misdemeanor pursuant to this subparagraph.

(v) Nothing in this paragraph shall prohibit a taxpayer from claiming a homestead exemption after January 1 for a property that is not already subject to the homestead exemption, provided any claim for an exemption is consistent with the requirements of subsection (2) (c) (iii) of this section.

(b) Upon request by a county assessor conducting an investigation under paragraph (a) of this subsection, or when information indicating that an improper claim for the exemption allowed by this section is discovered by the state tax commission, the state tax commission shall disclose relevant information to the appropriate county assessor, board of county commissioners, county clerk, and county treasurer and to the secretary of state. Information disclosed to county officials and the secretary of state by the state tax commission under this subsection:

(i) May be used to decide the validity of any entitlement to the exemption provided in this section;

(ii) Shall, as necessary, be used to determine a person's residence for voting purposes under title 34, Idaho Code; and

(iii) Is not otherwise subject to public disclosure pursuant to chapter 1, title 74, Idaho Code.

(c) The assessment and collection of the recovery of property tax must begin within the seven (7) year period beginning the date the assessment notice reflecting the improperly claimed or approved exemption was required to be mailed to the taxpayer.

(d) (i) An applicant for an exemption under this section may appeal to the county board of equalization the county assessor's refusal to grant an exemption pursuant to paragraph (a) of this subsection within thirty (30) days of the date the county assessor sent notice of the refusal.

(ii) The taxpayer may appeal to the county board of equalization the decision by the county assessor to assess the recovery of property tax within thirty (30) days of the date the county assessor sent the notice to the taxpayer pursuant to this section. The board may waive the collection of all or part of any costs, late charges, and interest in order to facilitate the collection of the recovery of the property tax.

(iii) The taxpayer may appeal the imposition of the penalty provided in paragraph (a) (iii) of this subsection within thirty (30) days of the date the county assessor sent the notice to the taxpayer pursuant to this section.

(e) For purposes of calculating the tax, the amount of the recovered property tax shall be for each year the exemption allowed by this section was improperly claimed or approved, up to a maximum of seven (7) years. The amount of the recovery of property tax shall be calculated using the product of the amount of exempted value for each year multiplied by the levy for that year plus costs, late charges, and interest for each year at the rates equal to those provided for delinquent property taxes during that year.

(f) Any recovery of property tax shall be due and payable no later than the date provided for property taxes in section 63-903, Idaho Code, and if not timely paid, late charges and interest, beginning the first day of January in the year following the year the county assessor sent the notice to the taxpayer pursuant to this section, shall be calculated at the current rate provided for property taxes.

(g) Recovered property taxes shall be billed, collected and distributed in the same manner as property taxes, except each taxing district or unit shall be notified of the amount of any recovered property taxes included in any distribution.

(h) Thirty (30) days after the taxpayer is notified, as provided in paragraph (a) of this subsection, the assessor shall record a notice of intent to attach a lien. Upon the payment in full of such recovered property taxes prior to the attachment of the lien as provided in paragraph (i) of this subsection, or upon the successful appeal by the taxpayer, the county assessor shall record a rescission of the intent to attach a lien within seven (7) business days of receiving such payment or within seven (7) business days of the county board of equalization decision granting the appeal. If the real property is sold to a bona fide purchaser for value prior to the recording of the notice of the intent to attach a lien, the county assessor and treasurer shall cease the recovery of such unpaid recovered property tax.

(i) Any unpaid recovered property taxes shall become a lien upon on the real property in the same manner as provided for property taxes in section 63-206, Idaho Code, except such lien shall attach as of the first day of January in the year following the year the county assessor sent the notice to the taxpayer pursuant to this section.

(j) For purposes of the limitation provided by section 63-802, Idaho Code, moneys received pursuant to this subsection as recovery of property tax shall be treated as property tax revenue.

~~(6)~~ (7) The legislature declares that this exemption is necessary and just.

~~(7)~~ (8) A homestead, having that previously qualified for exemption under this section in the preceding year, shall not lose such qualification due to: the owner's, beneficiary's, partner's, member's or shareholder's absence in the current year by reason of active military service or because the homestead has been leased because the owner, beneficiary, partner, member or shareholder is absent in the current year by reason of active military service. An owner subject to the provisions of this subsection must apply for the exemption with the county assessor every year on or before a deadline date as specified by the county assessor for the county in which the homestead is claimed. If an owner fails to apply on or before the established deadline, the county may, at its discretion, discontinue the exemption for that year.

~~(8)~~ (9) A homestead, ~~having that~~ that previously qualified for exemption under this section in the preceding year, shall not lose such qualification due to the owner's, beneficiary's, partner's, member's or shareholder's death during the year of the owner's, beneficiary's, partner's, member's or shareholder's death and the tax year immediately following such death, provided that the homestead continues to be a part of the owner's, beneficiary's, partner's, member's or shareholder's estate. After such time, the new owner shall reapply to receive the exemption pursuant to this section and shall meet the qualification criteria contained in this section.

~~(9)~~ (10) The amount by which each exemption approved under this section exceeds one hundred thousand dollars (\$100,000) may, in the discretion of the governing board of a taxing district, be deducted from the new construction roll for the following year prepared by the county assessor in accordance with section 63-301A, Idaho Code, but only to the extent that the amount exceeds the same deduction made in the previous year.

~~(10)~~ (11) By July 1, 2023, the state tax commission shall establish a database of all active exemptions claimed under this section, which database shall be searchable by a person's name and by the address of the homestead for which the exemption is claimed. The database shall be made accessible to officials listed in subsection ~~(5)~~ (6) (b) of this section for the purpose of verifying that:

- (a) Multiple active exemptions have not been claimed by the same person; and
- (b) A person's residence for voting purposes is the same as the homestead for which such person has an active exemption pursuant to this section, if an exemption is so claimed.

SECTION 2. That Section 63-3077, Idaho Code, be, and the same is hereby amended to read as follows:

63-3077. INFORMATION FURNISHED TO CERTAIN OFFICIALS. (1) The state tax commission, under such rules as it may prescribe, may disclose tax returns or tax information to:

- (a) The commissioner of internal revenue of the United States or his delegate or the financial management services of the department of the treasury of the United States; or
- (b) The proper officer of any state imposing a tax similar to a tax to which this section applies or the multistate tax commission or its delegate or the governing entity of the international fuels tax agreement or its delegate;

of any taxpayer making or who may be required to make returns, with the state tax commission or may furnish to such officer or his authorized representative an abstract or copy of any tax return or tax information or any information disclosed by the report of any audit or investigation relating to any taxpayer; but such permission shall be granted or information furnished to such officer or his representatives only if the statutes of the United States or such other state, as the case may be, grant substantially similar privileges to the state tax commission.

(2) Notwithstanding the provisions of this chapter as to secrecy, any duly constituted committee of either branch of the state legislature shall have the right to inspect returns upon request.

(3) Nothing in this chapter shall prohibit a taxpayer, or his authorized representative, upon proper identification, from inspecting or obtaining a copy of his own tax returns or tax information or authorizing, in writing, the disclosure of information to a third party.

(4) Any resident or part-year resident individual taxpayer making an income tax return, shall furnish the state tax commission with the location of any residential property owned by the taxpayer and occupied by the taxpayer as his primary dwelling place on the first day of January of the year following the year to which the tax return relates. The state tax commission is hereby authorized and empowered to deliver to the county assessor of any county of the state of Idaho and the Idaho secretary of state information relating to a taxpayer's place of residence or domicile. The information may be used by county assessors and boards of equalization to assist in determining the validity of any homeowner's entitlement to the exemption provided in section 63-602G, Idaho Code. Each county assessor shall deliver to the state tax commission all information such assessor has received from a taxpayer pursuant to the provisions of section 63-602G(3), Idaho Code. All information relating to a taxpayer that is furnished to the Idaho secretary of state may be used by the Idaho secretary of state to assist in determining a person's residence for voting purposes as provided in section 34-107(2), Idaho Code, and for candidate qualifications as provided in section 34-701(3), Idaho Code. Information disclosed to county officials under this subsection may be used only to ~~determine the validity of any homeowner's entitlement to the exemption provided in section 63-602G, Idaho Code,~~ for purposes described in this subsection and is not otherwise subject to public disclosure.

(5) The state tax commission additionally is authorized to utilize any centralized state computer facility.

(6) Nothing in this section or section 63-3076, Idaho Code, shall require the state tax commission to disclose information not required to be disclosed under the provisions of chapter 1, title 74, Idaho Code, or prevent the state tax commission from disclosing the current validity of any permit or license issued by the state tax commission or information that is otherwise publicly available.

SECTION 3. That Section 63-301A, Idaho Code, be, and the same is hereby amended to read as follows:

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

- (a) The name of the taxpayer;
- (b) The description of the new construction, suitably detailed to meet the requirements of the individual county;
- (c) The amount of taxable market value added to the property on the current year's property roll that is directly the result of new construction;
- (d) The amount of taxable market value added as provided in subsection (3) (f) of this section as a result of dissolution of any revenue allocation area; and
- (e) The amount of taxable market value to be deducted to reflect the adjustments required in this paragraph:
 - (i) Any board of tax appeals or court-ordered value change, if property has a taxable value lower than that shown on any new construction roll in any one (1) of the immediate five (5) tax years preceding the current tax year;
 - (ii) Any reduction in value resulting from correction of value improperly included on any previous new construction roll as a result of double or otherwise erroneous assessment;
 - (iii) Any reduction in value resulting from the exemption provided in section 63-602W(4), Idaho Code, in any one (1) of the immediate five (5) tax years preceding the current tax year; and

(iv) Any voluntary reduction in value reflecting a portion of certain homestead exemptions as provided in section 63-602G(9)-63-602G(10), Idaho Code.

(2) As soon as possible, but in any event by no later than the first Monday in June, the new construction roll shall be certified to the county auditor and a listing showing the amount of value on the new construction roll in each taxing district or unit shall be forwarded to the state tax commission on or before the fourth Monday in July. Provided however, the value shown in subsection (3)(e) of this section shall be reported to the appropriate county auditor by the state tax commission by the third Monday in July and the value sent by the county auditor to each taxing district. The value established pursuant to subsection (3)(e) of this section is subject to correction by the state tax commission until the first Monday in September, and any such corrections shall be sent to the appropriate county auditor, who shall notify any affected taxing districts.

(3) Except as otherwise provided in this subsection, the value shown on the new construction roll shall include ninety percent (90%) of the taxable market value increase from:

- (a) Construction of any new structure that previously did not exist, once it is completed and taxable;
- (b) Additions or alterations to existing nonresidential structures;
- (c) Installation of new or used manufactured housing that did not previously exist within the county;
- (d) Property newly taxable as a result of loss of the exemption provided by section 63-602W(3) or (4), Idaho Code;
- (e) The construction of any improvement or installation of any equipment used for or in conjunction with the generation of electricity and the addition of any improvement or equipment intended to be so used, except property that has a value allocated or apportioned pursuant to section 63-405, Idaho Code, or that is owned by a cooperative or municipality as those terms are defined in section 61-332A, Idaho Code, or that is owned by a public utility as that term is defined in section 61-332A, Idaho Code, owning any other property that is allocated or apportioned. No replacement equipment or improvements may be included;
- (f) Provided such increases do not include increases already reported on the new construction roll as permitted in paragraphs (i) and (j) of this subsection, increases in value over the base value of property on the base assessment roll within an urban renewal revenue allocation area that has been terminated pursuant to section 50-2909(4), Idaho Code, to the extent that this increment exceeds the incremental value as of December 31, 2006, or, for revenue allocation areas formed after December 31, 2006, eighty percent (80%) of the increment value. Notwithstanding other provisions of this section, the new construction roll shall not include new construction located within an urban renewal district's revenue allocation area, except as provided in this paragraph;
- (g) New construction, in any one (1) of the immediate five (5) tax years preceding the current tax year, allowable but never included on a new construction roll, provided however, that, for such property, the value on the new construction roll shall reflect the taxable value that would have been included on the new construction roll for the first year in which the property should have been included;
- (h) Formerly exempt improvements on state college-owned or state university-owned land for student dining, housing, or other education-related purposes approved by the state board of education and board of regents of the university of Idaho as proper for the operation of such state college or university, provided such improvements were never included on any previous new construction roll;

(i) Increases in base value when due to previously determined increment value added to the base value as required in sections 50-2903 and 50-2903A, Idaho Code, due to a modification of the urban renewal plan. In this case, the amount added to the new construction roll will equal eighty percent (80%) of the amount by which the increment value in the year immediately preceding the year in which the base value adjustment described in this subsection occurs exceeds the incremental value as of December 31, 2006, or, for revenue allocation areas formed after December 31, 2006, the entire increment value; and

(j) Increases in base value when due to previously determined increment value added to the base value as a result of a de-annexation within a revenue allocation area as defined in section 50-2903, Idaho Code. In this case, the amount added to the new construction roll will equal eighty percent (80%) of the amount by which the increment value in the year immediately preceding the year in which the de-annexation described in this subsection occurs exceeds the incremental value as of December 31, 2006, or, for revenue allocation areas formed after December 31, 2006, the entire increment value within the area subject to the de-annexation.

(4) The amount of taxable market value of new construction shall be the change in net taxable market value that is attributable directly to the new construction or loss of the exemption provided by section 63-602W(3) or (4), Idaho Code. It shall not include any change in value of existing property that is due to external market forces such as general or localized inflation, except as provided in subsection (3) (f) of this section.

(5) The amount of taxable market value of new construction shall not include any new construction of property that has been granted a provisional property tax exemption, pursuant to section 63-1305C, Idaho Code. A property owner may apply to the board of county commissioners, if an application is required pursuant to section 63-602, Idaho Code, for an exemption from property tax at the time the initial building permits are applied for or at the time construction of the property has begun, whichever is earlier, or at any time thereafter.

(6) The amount of taxable market value of new construction shall not include any new construction of property for which an exemption from sales and use tax has been granted pursuant to section 63-3622VV, Idaho Code.

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved March 25, 2024

CHAPTER 169
(H.B. No. 461)

AN ACT

RELATING TO THE IDAHO ADMINISTRATIVE PROCEDURE ACT; AMENDING SECTION 67-5206, IDAHO CODE, TO PROVIDE A CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 67-5240, IDAHO CODE, TO REVISE A PROVISION REGARDING CONTESTED CASES; AMENDING SECTION 67-5280, IDAHO CODE, TO REVISE A PROVISION REGARDING CONTESTED CASES, TO REVISE A PROVISION REGARDING RULES, AND TO PROVIDE THAT SERVICES OFFERED BY THE OFFICE OF ADMINISTRATIVE HEARINGS SHALL BE AVAILABLE IN CERTAIN INSTANCES; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 67-5206, Idaho Code, be, and the same is hereby amended to read as follows:

67-5206. PROMULGATION OF RULES IMPLEMENTING ADMINISTRATIVE PROCEDURE ACT. (1) In accordance with the rulemaking requirements of this chapter, the attorney general shall promulgate rules implementing the provisions of sections 67-5240 through 67-5255, Idaho Code. The rules shall specify:

- (a) Form and content to be employed in giving notice of a contested case;
- (b) Procedures and standards required for intervention in a contested case;
- (c) Procedures for prehearing conferences;
- (d) Format for pleadings, briefs, and motions;
- (e) The method by which service shall be made;
- (f) Procedures for the issuance of subpoenas, discovery orders, and protective orders if authorized by other provisions of law;
- (g) Qualifications for persons seeking to act as a representative for parties to contested cases;
- (h) Procedures to facilitate informal settlement of matters; and
- (i) Procedures for placing ex parte contacts on the record.

(2) (a) After July 1, 1993, the rules promulgated by the attorney general under this section shall apply to all agencies that do not affirmatively promulgate alternative procedures after the promulgation of the rules by the attorney general. The rules promulgated by the attorney general shall supersede the procedural rules of any agency in effect on June 30, 1993, unless that agency promulgates its own procedures as provided in paragraph (b) of this subsection.

(b) After July 1, 1993, an agency that promulgates its own procedures shall include in the rule adopting its own procedures a finding that states the reasons why the relevant portion of the attorney general's rules were was inapplicable to the agency under the circumstances.

(3) With respect to contested cases and other proceedings conducted by the office of administrative hearings as authorized by this chapter, rules promulgated by the attorney general or any agency pursuant to subsection (1) or (2) of this section shall remain in full force and effect, except with respect to hearing officer qualifications, until such time as the office of administrative hearings promulgates replacement rules, and thereafter such rules of the office of administrative hearings shall govern unless otherwise required by governing federal law.

SECTION 2. That Section 67-5240, Idaho Code, be, and the same is hereby amended to read as follows:

67-5240. CONTESTED CASES. A proceeding by an agency other than the public utilities commission, or the industrial commission, ~~the Idaho personnel commission, and the Idaho transportation department's driver's license suspension contested case hearings, which that~~ may result in the issuance of an order, is a contested case and is governed by the provisions of this chapter, except as provided by other provisions of law.

SECTION 3. That Section 67-5280, Idaho Code, be, and the same is hereby amended to read as follows:

67-5280. CREATION OF OFFICE OF ADMINISTRATIVE HEARINGS -- POWERS AND DUTIES. (1) There is hereby created in the department of self-governing agencies the office of administrative hearings.

(2) ~~For agencies not excluded in this section, the~~ The office of administrative hearings shall:

(a) Unless otherwise specified by law, conduct all contested case proceedings that arise from an appeal of an agency order, except for contested case proceedings involving:

(i) The Idaho personnel commission; and

(ii) The Idaho transportation department's driver's license suspension contested case proceedings pursuant to section 18-8002A, Idaho Code;

(b) Conduct such adjudicatory hearings, mediations, and arbitrations not required by this chapter that are requested by agencies and agreed to by the office of administrative hearings at such monetary rates as established by the office of administrative hearings; and

(c) ~~Promulgate~~ Have the authority to promulgate rules consistent with state and federal law to implement provisions relating to its duties and actions authorized by this chapter.

(3) The provisions of subsection (2) (a) of this section shall not be construed to prohibit any agency from requesting any service offered by the office of administrative hearings pursuant to subsection (2) (b) of this section.

~~(3)~~ (4) The office of administrative hearings shall not hear and shall not have authority over or oversight of any action by the department of water resources or the water resource board.

~~(4)~~ (5) The office of administrative hearings shall be subject to audit in the same manner as other agencies of the state.

SECTION 4. SEVERABILITY. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this act.

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

Approved March 25, 2024

CHAPTER 170
(H.B. No. 577)

AN ACT

RELATING TO MEDICAID; AMENDING SECTION 56-263, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING DIRECTED PAYMENTS TO QUALIFYING HOSPITALS PARTICIPATING IN MEDICAID MANAGED CARE AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 56-263, Idaho Code, be, and the same is hereby amended to read as follows:

56-263. MEDICAID MANAGED CARE PLAN. (1) The department shall present to the legislature on the first day of the second session of the sixty-first Idaho legislature a plan for medicaid managed care with focus on high-cost populations, including, but not limited to:

- (a) Dual eligibles; and
- (b) High-risk pregnancies.

(2) The medicaid managed care plan shall include, but not be limited to, the following elements:

- (a) Improved coordination of care through primary care medical homes.
- (b) Approaches that improve coordination and provide case management for high-risk, high-cost disabled adults and children that reduce costs and improve health outcomes, including mandatory enrollment in special needs plans, and that consider other managed care approaches.
- (c) Managed care contracts to pay for behavioral health benefits as described in executive order ~~number~~ no. 2011-01 and in any implementing legislation. At a minimum, the system should include independent, standardized, statewide assessment and evidence-based benefits provided by businesses that meet national accreditation standards.
- (d) The elimination of duplicative practices that result in unnecessary utilization and costs.
- (e) Contracts based on gain-sharing, risk-sharing or a capitated basis.
- (f) Medical home development with focus on populations with chronic disease using a tiered case management fee.

(3) The department shall seek federal approval or a waiver to require that a medicaid participant who has a medical home as required in section 56-255(5)(b), Idaho Code, and who seeks family planning services or supplies from a provider outside the participant's medical home, must have a referral to such outside provider. The provisions of this subsection shall apply to medicaid participants upon such approval or the granting of such a waiver.

(4) The department shall seek approval as soon as practicable but no later than July 1, 2027, from the centers for medicare and medicaid services for directed payments to qualifying hospitals participating in the Idaho behavioral health plan in accordance with 42 CFR 438.

(5) Subject to written approval by the centers for medicare and medicaid services, the department shall make directed payments to qualifying hospitals participating in medicaid managed care programs in an amount not to exceed the maximum allowable payment authorized by federal regulations.

(6) Qualifying hospitals assessed pursuant to this section are exempt from assessment pursuant to section 56-1404, Idaho Code.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved March 25, 2024

CHAPTER 171
(H.B. No. 714)

AN ACT

RELATING TO THE APPROPRIATION TO THE STEM ACTION CENTER FOR FISCAL YEAR 2025; APPROPRIATING ADDITIONAL MONEYS TO THE STEM ACTION CENTER FOR FISCAL YEAR 2025; REDUCING THE APPROPRIATION TO THE STEM ACTION CENTER FOR FISCAL YEAR 2025; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the STEM Action Center the following amounts to be expended according to the designated expense classes from the General Fund for the period July 1, 2024, through June 30, 2025:

FOR:

Personnel Costs	\$12,000
Capital Outlay	<u>3,000</u>
TOTAL	\$15,000

SECTION 2. Notwithstanding any other provision of law to the contrary, the appropriation made to the STEM Action Center from the General Fund is hereby reduced by \$40,000 for operating expenditures for the period July 1, 2024, through June 30, 2025.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved March 25, 2024

CHAPTER 172
(H.B. No. 664)

AN ACT

RELATING TO THE FREEDOM FROM AI-RIGGED (FAIR) ELECTIONS ACT; AMENDING CHAPTER 66, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-6628A, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO PROVIDE FOR RELIEF PROHIBITING THE PUBLICATION OF SYNTHETIC MEDIA IN ELECTIONEERING COMMUNICATIONS, TO ESTABLISH PROVISIONS REGARDING AN ACTION PROHIBITING THE PUBLICATION OF SYNTHETIC MEDIA IN ELECTIONEERING COMMUNICATIONS, AND TO PROVIDE EXCEPTIONS; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 66, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-6628A, Idaho Code, and to read as follows:

67-6628A. ELECTIONEERING COMMUNICATIONS -- USE OF SYNTHETIC MEDIA. (1) This section shall be known and may be cited as the "Freedom From AI-Rigged (FAIR) Elections Act."

(2) For purposes of this section:

(a) "Information content provider" means any person or entity that is responsible, in whole or in part, for the creation or development of information provided through the internet or any other interactive computer service.

(b) "Interactive computer service" means any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the internet and such systems operated or services offered by libraries or educational institutions.

(c) "Synthetic media" means an audio recording or a video recording of an individual's speech or conduct that has been created through the use of generative adversarial network techniques or other digital technology in a manner to create a realistic but false audio or video that:

(i) To a reasonable individual is of a real event, action, or speech that did not actually occur in reality; and

(ii) Provides a fundamentally different understanding or impression of the event, action, or speech than a reasonable person would have from the unaltered, original version of the audio recording or video recording.

(3) A candidate whose action or speech is deceptively represented through the use of synthetic media in an electioneering communication may seek injunctive or other equitable relief prohibiting the publication of such synthetic media.

(4) A candidate whose action or speech is deceptively represented through the use of synthetic media in an electioneering communication may bring an action for general damages, special damages, or both against the information content provider. The court may also award a prevailing party reasonable attorney's fees and costs. The provisions of this subsection do not limit or preclude a plaintiff from securing or recovering any other available remedy.

(5) It shall be an affirmative defense for any action brought pursuant to this section that the electioneering communication containing synthetic media includes a disclosure stating, "This (video/audio) has been manipulated" in the following manner:

(a) If the media is a video, the text of the disclosure must be prominently displayed and appear in a size easily readable by the average viewer, and the disclosure must appear for the duration of the video; or

(b) If the media consists of audio only, the disclosure must be read in a clearly spoken manner and in a pitch that can be easily heard by the average listener at the beginning of the audio, at the end of the audio, and, if the audio is greater than two (2) minutes in length, interspersed within the audio at intervals of no more than two (2) minutes each.

(6) In any action commenced pursuant to this section, the plaintiff bears the burden of establishing the use of synthetic media by clear and convincing evidence.

(7) Courts are encouraged to determine matters pursuant to this section expeditiously.

(8) For an action brought pursuant to this section, the information content provider of the electioneering communication may be held liable and not the medium disseminating the electioneering communication, except as provided in subsection (9) of this section.

(9) Except when a licensee, programmer, or operator of a federally licensed broadcasting station transmits an electioneering communication that is subject to 47 U.S.C. 315, a medium may be held liable in a cause of action brought pursuant to this section if:

(a) The medium removes any disclosure described in subsection (5) of this section from the electioneering communication it disseminates; or

(b) Subject to affirmative defenses described in this section, the medium changes the content of an electioneering communication such that it qualifies as synthetic media.

(10) No provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider. However, an interactive computer service may be held liable in accordance with subsection (9) of this section.

SECTION 2. SEVERABILITY. The provisions of this act are hereby declared to be severable, and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this act.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 25, 2024

CHAPTER 173
(S.B. No. 1303, As Amended)

AN ACT

RELATING TO PURCHASING; AMENDING SECTION 59-514, IDAHO CODE, TO REVISE PROVISIONS REGARDING PERSONAL SERVICE CONTRACTS; AMENDING CHAPTER 28, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-2810, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING PERSONAL SERVICE CONTRACTS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 59-514, Idaho Code, be, and the same is hereby amended to read as follows:

59-514. PUBLICATION OF CONTRACTEE, AMOUNT, AND PURPOSE OF PERSONAL SERVICE CONTRACTS -- DEFINITION. (1) The state of Idaho, ~~and all taxing entities within the state of Idaho,~~ shall publish, within fifteen (15) days of entering into any personal service contract, the parties, amount, and a one (1) sentence purpose of all such personal service contracts over ~~ten thousand dollars (\$10,000)~~ thirty thousand dollars (\$30,000) annual payment, regardless of whether the moneys for such contract are derived from state taxes, local taxes, federal funds, or a combination of such funds; ~~however, when such contracts are entered into with a county, the publication requirements provided in this section are satisfied when the required information is included in the next published monthly statement pursuant to the provisions of section 31-819, Idaho Code.~~ The publication shall be in a newspaper of general circulation within the geographical area wherein such personal service is to be performed.

(2) "Personal service" means performance for remuneration by an individual on a specified contractual basis of specialized professional or consultive expertise germane to administration, maintenance, or conduct of governmental activities ~~which that~~ require intellectual or sophisticated and varied services, dependent upon facilities, invention, imagination, or a specific talent ~~which that~~ the state ~~or the taxing entity~~ itself cannot provide or accomplish.

SECTION 2. That Chapter 28, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-2810, Idaho Code, and to read as follows:

67-2810. PUBLICATION OF CONTRACTEE, AMOUNT, AND PURPOSE OF PERSONAL SERVICE CONTRACTS -- DEFINITION. (1) All taxing entities within the state of Idaho shall publish, within fifteen (15) days of entering into any personal service contract, the parties, amount, and a one (1) sentence purpose of all such personal service contracts over thirty thousand dollars (\$30,000) annual payment, regardless of whether the moneys for such contract are derived from state taxes, local taxes, federal funds, or a combination of such funds; however, when such contracts are entered into with a county, the publication requirements provided in this section are satisfied when the required information is included in the next published monthly statement pursuant to the provisions of section 31-819, Idaho Code. The publication shall be in a newspaper of general circulation within the geographical area wherein such personal service is to be performed.

(2) "Personal service" means performance for remuneration by an individual on a specified contractual basis of specialized professional or consultive expertise germane to administration, maintenance, or conduct of governmental activities that require intellectual or sophisticated and varied services, dependent upon facilities, invention, imagination, or a specific talent that the taxing entity itself cannot provide or accomplish.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved March 25, 2024

CHAPTER 174
(S.B. No. 1275)

AN ACT

RELATING TO PARTIES TO ACTIONS; AMENDING SECTION 5-341, IDAHO CODE, TO PROVIDE IMMUNITY FOR EMPLOYERS WHO ALLOW OR DO NOT PROHIBIT EMPLOYEES TO LAWFULLY CARRY FIREARMS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 5-341, Idaho Code, be, and the same is hereby amended to read as follows:

5-341. IMMUNITY OF EMPLOYERS ALLOWING EMPLOYEE FIREARM CARRYING OR STORAGE. No action shall lie or be maintained for civil damages in any court of this state against an employer where the claim arises out of the policy of an employer to either specifically allow or not prohibit the lawful carrying of a firearm on an employee's person or storage of firearms by employees in their personal motor vehicles on the employer's business premises.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved March 25, 2024

CHAPTER 175
(H.B. No. 540)

AN ACT

RELATING TO FLOOD CONTROL DISTRICTS; AMENDING SECTION 42-3102, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE POLICY OF THE STATE; AMENDING SECTION 42-3103, IDAHO CODE, TO REVISE DEFINITIONS AND TO DEFINE TERMS; AMENDING SECTION 42-3115, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE POWERS AND DUTIES OF COMMISSIONERS; AMENDING SECTION 42-3116, IDAHO CODE, TO REVISE PROVISIONS REGARDING DIRECTOR APPROVAL; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 42-3102, Idaho Code, be, and the same is hereby amended to read as follows:

42-3102. POLICY OF STATE. It is hereby recognized by the legislature that ~~the protection of life~~ flooding can cause significant damage to life and property from floods is of great importance to in this state. It is therefore declared to be the policy of the state to provide for ~~the prevention of flood damage~~ flood risk reduction, flood response, and flood recovery in a manner consistent with the conservation and wise development of our water resources and thereby to protect and promote the health, safety, and general welfare of the people of this state.

SECTION 2. That Section 42-3103, Idaho Code, be, and the same is hereby amended to read as follows:

42-3103. DEFINITIONS. Whenever used or referred to in this act, unless a different meaning clearly appears from the context, the following terms shall have the following meanings:

(1) "Board" or "board of commissioners" means the board of commissioners of the flood control district.

(2) "Commissioner" means a member of the board of commissioners of the flood control district.

(3) "Debris removal" or "remove debris" means to remove from the channels and banks of streams, and any other surface watercourses, any artificial debris, gravel, sediment, plants, and other materials that obstruct or are likely to obstruct the flow of water therein and thereby cause flooding or interfere with the lawful diversion and beneficial use of water.

(4) "Department" means the department of water resources, state of Idaho.

(5) "Director" means the director of the department of water resources, state of Idaho.

(6) "District" means any flood control district organized by authority of this act or prior acts of the Idaho legislature.

(7) "Flood," "flood event," or "flooding" means the inundation of normally dry land areas with water caused by the overflow or rise of rivers, streams or lakes, and other surface watercourses, or the unusual and rapid accumulation or runoff of surface waters from any source.

(8) "Flood control" means the activities, operations, and projects authorized by the board for flood risk reduction, flood study, flood response, and flood recovery.

(9) "Flood control structure" or "structure" means any treatment measure on land or the channels and banks of streams and any other surface watercourses authorized by the board for flood control, including but not limited to a bank barb, berm, dike, drop structure, levee, riprap, sill, planting, device, or other mechanism.

(10) "Flood recovery" means the activities, operations, and projects authorized by the board after a flood event, including but not limited to the maintenance, construction, or installation of any flood control structure or the implementation of any flood risk reduction measure.

(11) "Flood response" or "flood fight" means the activities, operations, and projects authorized by the board in response to a flooding emergency.

(12) "Flood risk reduction" or "flood risk prevention" means activities, operations, projects, structures, and studies authorized by the board to reduce the risk of flooding, including but not limited to the removal of debris and the maintenance, repair, stabilization, restoration, alteration, or improvement of stream banks, stream channels, and other surface watercourses.

(13) "Flood study" or "study" means any data gathering, study, modeling, or other analysis used by the district in conducting flood control.

~~(8)~~ (14) "Flooding emergency" means a circumstance in which the board has determined that the district is required to take immediate action to protect reduce injury to life or damage to property from injury or damage resulting from during an existing or imminent flooding flood event.

~~(9)~~ "Flood fight" means the activities and operations authorized by the board in response to a flooding emergency.

~~(10)~~ (15) "State" means the state of Idaho.

~~(11)~~ "Structural works of improvement" means any undertaking for flood prevention, including structural and land treatment measures, and for the conservation, development, utilization and disposal of water, as provided for in the act of the congress of the United States known as the Watershed Protection and Flood Prevention Act (U.S.C., tit. 16, sections 1001-1008) and acts amendatory thereto.

SECTION 3. That Section 42-3115, Idaho Code, be, and the same is hereby amended to read as follows:

42-3115. COMMISSIONERS -- POWERS AND DUTIES. The board of commissioners of flood control districts shall have the following powers and duties:

(1) To annually fix and determine the amount of money required to be raised by taxation to supply funds for costs of construction, costs of operation and maintenance of the work and equipment of the district, and to levy and cause to be collected assessments on real property within the district in an amount not to exceed six hundredths of one percent (.06%) of the market value for assessment purposes on all taxable property within the district, provided however that a higher levy may be approved and ratified by the qualified voters at an election to be held, subject to the provisions of section 34-106, Idaho Code, for that purpose in the same manner as provided for the approval and ratification of contracts, in section 42-3117, Idaho Code, and said levy shall be certified by the board to the board of county commissioners of the county, or counties, in which said district is located, with directions that at the time and in the manner required by law for levying taxes for county purposes, such board, or boards, of county commissioners shall levy such tax upon the market value for assessment purposes of the real property within the boundaries of the district. Such certification of levies shall be prepared and forwarded by the board of the flood control district to the board, or boards, of county commissioners on or before September 1 of each year.

Such levies shall be levied and collected in the manner provided by law, and the moneys collected shall be turned over to the treasurer or treasurers, of the county, or counties, in which said district is located.

Said moneys shall be public funds and subject to the provisions of the public depository laws of the state.

(2) To employ such personnel as may be necessary to carry out the purposes and objects of this chapter, with the full power to bind said district for the compensation of such personnel.

(3) To sue and be sued in the name of the district; to have a seal, which seal shall be judicially noticed; to have perpetual succession unless terminated as hereinafter provided; to make and execute contracts and other instruments necessary or convenient to the exercise of its power and to promulgate, amend and repeal rules not consistent with the provisions of this chapter.

(4) To manage and conduct the business and affairs of the district, both within and without the district.

(5) To enter into contracts for the purposes of this chapter, provided however, that the board shall purchase goods and services in accordance with the provisions of chapter 28, title 67, Idaho Code. However, where it is determined by order of the board that there is an existing flooding emergency, or that the district is in a flood fight, the requirement for sealed competitive bids shall not apply.

(6) To prescribe the duties of officers, agents and employees as may be required.

(7) To establish the fiscal year of the district and to keep records of all business transactions of the district.

(8) To prepare a statement of the financial condition of the district at the end of each fiscal year in a form to be prescribed by the director or by the legislative services office, to publish in at least one (1) issue of some newspaper published, or in general circulation in the county, or counties, in which such district is located and to file a certified copy of such financial report with the director and the legislative services office on or before February 2 of each year.

(9) To have an audit of the financial affairs of the district as required in section 67-450B, Idaho Code. A certified copy of said audit shall be filed with the director on or before February 2 following the audit.

(10) To obtain options upon and acquire by purchase, exchange, lease, gift, grant, bequest, devise, or otherwise, any property, real or personal, and improve any properties acquired; to receive income from such properties and to expend such income in carrying out the purposes and provisions of this chapter; to lease any of its property or interest therein in furtherance of the purposes and provisions of this chapter, provided that no contract or agreement for the acquisition, purchase or repair of personal property involving expenditure in excess of one thousand dollars (\$1,000), shall be entered into without first advertising for sealed competitive bids as herein provided.

(11) To have the power of eminent domain for the use of the district in the construction, operation, maintenance and upkeep of its structures, waterways, dikes, dams, basins, or any other use necessary in the carrying out of the provisions of this chapter.

(12) To convey rights-of-way and easements for highways, public roads, public utilities, and for other purposes over district property, as shall be determined by the board to be in the best interests of the district.

(13) To convey, by deed, bill of sale, or other appropriate instrument, all of the estate and interest of the district in any real or personal property. Prior to such sale or conveyance, the board shall have the property appraised by three (3) disinterested residents of the district, which appraisal shall be entered in the minutes of the board. The property may be sold at public auction or at a private sale by sealed competitive bids, as the board shall determine, to the highest cash bidder, provided that in no case shall any property of a district be sold for less than its appraised value. All sales by sealed competitive bids shall be advertised as herein provided.

~~(14) To conduct the following activities and operations for the prevention of floodwater and sediment damages, and the conservation, development, utilization and disposal of water, implement, participate in, and support the following flood control activities and operations independently or in cooperation with other agencies, entities, and individuals, whether within or outside the boundaries of the district:~~

~~(a) To construct, operate and maintain structural works of improvement;~~

~~(b) To use natural streams and to improve the same for use as a flood control structure;~~

(a) Flood risk reduction;

(b) Flood response;

(c) Flood recovery;

(d) Construction, operation, maintenance, repair, or replacement of flood control structures;

(e) Flood studies;

(f) Use and improvement of streams, channels, and other surface water-courses for flood management;

~~(e)(g) To declare Declaring a flooding emergency and fight floods conducting flood response. Provided however, that the extent of any stream channel alteration during a flooding emergency shall be limited to that amount of work deemed necessary by the board to safeguard life or property, including growing crops during the period of emergency;~~

~~(d) (h) To repair and stabilize Repair and stabilization of stream banks;~~

~~(e)~~ (i) ~~To remove~~ Removal of debris. If the district determines that there is no reasonable means of transporting and disposing of debris outside the mean high water mark of the channel, the district may deposit the debris along the stream banks outside the mean high water mark, and may thereafter dispose of combustible materials removed from the stream by burning in conformance with any applicable permitting requirements of the state of Idaho or local governments, and after reasonable notice to nearby landowners; and

~~(f)~~ (j) ~~To conduct~~ Conducting flood control operations to prevent flooding from the release of water from a canal, ditch or drain upon the request of the owner thereof.

(15) To enter into contracts or agreements with the United States or any of its officers, agents, or subdivisions, or with the state or any of its officers, agents or political subdivisions, and to cooperate with such governments, persons or agencies in effectuating, promoting and accomplishing the purposes of this chapter, provided that the district has sufficient moneys on hand, or in their budget for the year in which said contract is entered into, to defray the expenditure of funds called for in such contract without the creation of any indebtedness.

Whenever any such contract shall, by its terms, require the expenditure of funds by the district in excess of the moneys on hand or the funds to be realized from its budget for the year in which said contract is entered into, then such contract may not be entered into by the district until ratified by two-thirds (2/3) of the qualified voters voting at an election to be held, subject to the provisions of section 34-106, Idaho Code, for that purpose, according to the provisions of this chapter.

(16) To bear its allocated share of the cost of any project resulting from any contract or agreement entered into as provided herein.

(17) To take over, administer and maintain pursuant to any agreement or contract entered into in accordance with the provisions of this chapter any flood control project within or without the boundaries of the district undertaken in cooperation with the United States or any of its agencies, or with the state of Idaho or any of its agencies, or any combinations thereof.

(18) To accept donations, gifts and contributions in money, services, or materials, or otherwise, from the United States or any of its agencies, or the state of Idaho or any of its agencies or any combinations thereof, and to expend such moneys, services, or materials in carrying on its operations.

(19) To exercise all other powers necessary, convenient or incidental to carrying out the purposes and provisions of the chapter.

SECTION 4. That Section 42-3116, Idaho Code, be, and the same is hereby amended to read as follows:

42-3116. DIRECTOR'S APPROVAL -- WHEN REQUIRED. (1) In the event that the district's activities and operations will alter a stream channel within the meaning of section 42-3802, Idaho Code, the district shall obtain the director's prior approval pursuant to chapter 38, title 42, Idaho Code.

(2) The district's conduct of a ~~flood fight~~ in flood response ~~to~~ during a flooding emergency declared by the board shall not require a stream channel alteration permit, provided the district complies with the emergency waiver procedures consistent with section 42-3808, Idaho Code, and rules promulgated by the Idaho water resource board.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

CHAPTER 176
(S.B. No. 1305, As Amended)

AN ACT

RELATING TO URBAN AGRICULTURE; AMENDING TITLE 22, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 10, TITLE 22, IDAHO CODE, TO PROVIDE LEGISLATIVE FINDINGS AND TO DEFINE TERMS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Title 22, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 10, Title 22, Idaho Code, and to read as follows:

CHAPTER 10
URBAN AGRICULTURE

22-1001. LEGISLATIVE FINDINGS. The legislature finds that urban agriculture is the production of food and other agricultural products in urban areas of city impact settings. This includes in-ground and raised-bed production as well as aquaponic and hydroponic production systems. Additionally, urban agriculture also includes the rearing of honeybees, fish, and livestock where allowed by local government. There are four (4) broad categories of urban agriculture: Market gardening, urban farming, community gardening, and victory gardening. Urban agriculture can be a profession, supplemental or livelihood, a form of therapeutic work, a form of recreation, a mode of education, a practice of community development, an effort to increase food security and community nutrition, and a way to regenerate and beautify neighborhoods.

22-1002. DEFINITIONS. (1) "Community gardening" means a single plot of land that is gardened collectively by a group of people. Community gardens can be further divided into single plots or maintained as one (1) large plot. Entities, including but not limited to schools, food pantries, and faith-based organizations, often host community gardens. City or county land bank properties as well as privately owned plots are used for community gardens.

(2) "Market gardening" means small scale production of agricultural products grown to sell through marketing channels such as farmers markets and community supported agriculture shares.

(3) "Urban farming" means farming that produces food crops for sale to others and can be larger in scale than market gardening. Urban farms may be organized as for-profit businesses operated by individuals or as nonprofit social enterprises designed to provide food to address food insecurity, provide vocational training, or address another community issue, typically at the neighborhood level. Urban farms operated as social enterprises are typically managed by nongovernmental organizations. Urban farming includes indoor controlled-environment production, including hydroponic and aquaponic systems.

(4) "Victory gardening" means producing food at one's residence primarily for household consumption or donation.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved March 25, 2024

CHAPTER 177
(H.B. No. 666)

AN ACT

RELATING TO ABORTION; AMENDING SECTION 18-8707, IDAHO CODE, TO PROHIBIT ABORTION PROVIDERS FROM FURNISHING MATERIALS OR INSTRUCTION RELATING TO SEX EDUCATION CURRICULA AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 18-8707, Idaho Code, be, and the same is hereby amended to read as follows:

18-8707. ABORTION-RELATED ACTIVITIES PROHIBITED IN SCHOOL-BASED HEALTH CLINICS AND SEX EDUCATION CURRICULA. (1) No facility operated at a public institution of higher education or operated by a public school district shall provide any of the following services to any person:

- (a) Providing or performing an abortion;
- (b) Counseling in favor of abortion;
- (c) Referring for abortion; or
- (d) Dispensing a drug classified as emergency contraception by the food and drug administration (FDA), except in the case of rape as defined in section 18-6101, Idaho Code.

(2) No employee of a public institution of higher education or a public school, acting within the scope of such person's employment, shall provide any of the following services to any person:

- (a) Providing or performing an abortion;
- (b) Counseling in favor of abortion;
- (c) Referring for abortion; or
- (d) Dispensing a drug classified as emergency contraception by the FDA, except in the case of rape as defined in section 18-6101, Idaho Code.

(3) The state department of education, state board of education, ~~or~~ and other state agencies and local units of administration are prohibited from using state funds to provide or procure an abortion or distribute drugs classified as emergency contraception by the FDA, except in the case of rape as defined in section 18-6101, Idaho Code.

(4) No public school district shall allow any individual or organization that is a provider of abortion to furnish any materials or instruction relating to sex education curricula.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved March 25, 2024

CHAPTER 178
(H.B. No. 634)

AN ACT

RELATING TO THE BROADBAND INFRASTRUCTURE IMPROVEMENT GRANT FUND; AMENDING SECTION 33-910, IDAHO CODE, TO PROVIDE FOR THE STATE BOARD OF EDUCATION AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 33-910, Idaho Code, be, and the same is hereby amended to read as follows:

33-910. BROADBAND INFRASTRUCTURE IMPROVEMENT GRANT FUND -- RULEMAKING -- DEFINITIONS. (1) There is hereby created in the state treasury a fund to be known as the broadband infrastructure improvement grant fund. The fund shall consist of moneys made available through legislative transfers or appropriations, and from any other governmental source. Interest earned from the investment of moneys in the fund shall be retained in the fund. Subject to appropriation, moneys in the fund shall be expended by the state department of education to invest in special construction projects for high-speed broadband connections to E-rate eligible entities that receive E-rate funding.

(2) ~~The state department of education~~ board of education shall create and make available a grant application form for moneys in the fund. The state ~~department~~ board of education may determine eligibility qualifications and applicant priority. Any E-rate eligible entity may apply to the state department for a grant from the fund for up to ten percent (10%) of the cost of an eligible special construction project.

(3) The state board of education may promulgate rules to implement the provisions of this section. Such rules shall be consistent with the federal communications commission's second E-rate modernization order that provides for additional category one funding up to ten percent (10%) to match state funding for special construction charges for high-speed broadband connections.

(4) For the purposes of this section, "E-rate eligible entity" means Idaho public schools grades K through 12, the Idaho digital learning academy, the Idaho department of juvenile corrections education programs, the school for the deaf and the blind and the Idaho public libraries.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved March 25, 2024

CHAPTER 179
(H.B. No. 425)

AN ACT

RELATING TO STATE DISASTER PREPAREDNESS; AMENDING SECTION 46-1021, IDAHO CODE, TO REVISE A DEFINITION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 46-1022, IDAHO CODE, TO REMOVE A PROVISION REGARDING CERTAIN FLOODPLAIN ZONING ORDINANCES; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 46-1021, Idaho Code, be, and the same is hereby amended to read as follows:

46-1021. DEFINITIONS. As used in this act:

(1) "Development" means any man-made change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures, or accessory structures, or the construction of additions or substantial improvements to buildings, structures, or accessory structures; the placement of mobile homes; mining, dredging, filling, grading, paving, excavation or drilling operations; and the deposition or extraction of materials; specifically including the construction of dikes, berms and levees. ~~The term "development" does not include the operation, cleaning, maintenance or repair of any ditch, canal, lateral, drain, diversion structure or other irrigation or drainage works that is performed or authorized by the owner thereof pursuant to lawful rights and obligations.~~

(2) "Flood" means a general or temporary condition of partial or complete inundation of normally dry land areas caused by the overflow or rise of rivers, streams or lakes, or the unusual and rapid accumulation or runoff of surface waters from any source.

(3) "Flood fringe" is that portion of the floodplain outside of the floodway covered by floodwaters during the regulatory flood.

(4) "Floodplain" is the land that has been or may be covered by floodwaters, or is surrounded by floodwater and inaccessible, during the occurrence of the regulatory flood. The riverine floodplain includes the floodway and the flood fringe.

(5) "Floodplain management" is the analysis and integration of the entire range of measures that can be used to prevent, reduce or mitigate flood damage in a given location, and that can protect and preserve the natural, environmental, historical, and cultural values of the floodplain.

(6) "Floodproofing" means the modifications of structures, and their sites, building contents, and water and sanitary facilities, to keep water out or reduce the effects of water entry.

(7) "Flood protection elevation" means an elevation that shall correspond to the elevation of the one percent (1%) chance flood (one hundred (100) year flood), plus any increased flood elevation due to floodway encroachment, plus any required freeboard.

(8) "Floodway" is the channel of the river or stream and those portions of the floodplain adjoining the channel required to discharge and store the floodwater or flood flows associated with the regulatory flood.

(9) "Freeboard" represents a factor of safety usually expressed in terms of a certain amount of feet above a calculated flood level. Freeboard shall compensate for the many unknown factors that contribute to flood heights greater than the height calculated. These unknown factors include, but are not limited to, ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of urbanization on the hydrology of the watershed, loss of flood storage areas due to development and the sedimentation of a river or ~~stream-bed~~ streambed.

(10) "Local government," in the context of this chapter, means any county or city having planning and zoning authority to regulate land use within its jurisdiction.

(11) "Mitigation" means any action taken ~~which~~ that will reduce the impact, damage or cost of the next flood that occurs.

(12) "Person" means any individual, group of individuals, corporation, partnership, association, political subdivision, public or private agency or entity.

(13) "Regulatory flood" is a flood determined to be representative of large floods known to have occurred in Idaho and ~~which~~ that may be expected to occur on a particular stream because of like physical characteristics. The regulatory flood is based ~~upon~~ on a statistical analysis of stream flow records available for the watershed or an analysis of rainfall and runoff characteristics in the watershed. In inland areas, the flood frequency of the regulatory flood is once in every one hundred (100) years; this means that in any given year there is a one percent (1%) chance that a regulatory flood may occur or be exceeded.

SECTION 2. That Section 46-1022, Idaho Code, be, and the same is hereby amended to read as follows:

46-1022. LOCAL GOVERNMENTS MAY ADOPT FLOODPLAIN ZONING ORDINANCES. Subject to the availability of adequate mapping and data to properly identify the floodplains, if any, within its jurisdiction, each local government is encouraged to adopt a floodplain map and floodplain management ordinance which identifies these floodplains and which requires, at a minimum, that any development in a floodplain must be constructed at a flood protection elevation and/or have adequate floodproofing. The local government may regulate all mapped and unmapped floodplains within its jurisdiction. Nothing in this act shall prohibit a local government from adopting more restrictive standards than those contained in this chapter. ~~Floodplain zoning ordinances shall not regulate the operation, cleaning, maintenance or repair of any ditch, canal, lateral, drain, diversion structure or other irrigation or drainage works that is performed or authorized by the owner thereof pursuant to lawful rights and obligations.~~ If not otherwise exempt from approval, a flood control district's conduct of a "flood fight," as defined in section 42-3103, Idaho Code, shall not require prior local government approval provided all such approvals are obtained within a reasonable time after the imminent flooding event has ended.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 25, 2024

CHAPTER 180
(H.B. No. 604)

AN ACT

RELATING TO ELECTRICAL CONTRACTORS AND JOURNEYMEN; AMENDING SECTION 54-1010, IDAHO CODE, TO REVISE CERTAIN REQUIREMENTS FOR ELECTRICAL CONTRACTORS AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 54-1010, Idaho Code, be, and the same is hereby amended to read as follows:

54-1010. INSTALLATIONS BY ELECTRICAL CONTRACTOR PERFORMED BY LICENSED RESIDENTIAL OR JOURNEYMAN ELECTRICIAN -- PRIOR CERTIFICATE HOLDERS ENTITLED TO LICENSE -- LIST OF ELECTRICIANS IN CONTRACTOR'S EMPLOY. (1) Any electrical contractor who works as a residential or journeyman electrician, as herein defined, shall be required to have a residential electrician's license or journeyman electrician's license or master electrician's license issued under the provisions of this act. All installations of electrical wiring, equipment or apparatus made by an electrical contractor shall be done by or under the direct supervision of a licensed residential electrician, licensed journeyman electrician, or licensed master electrician.

(2) The individual owner of an electrical contracting business shall employ a full-time journeyman electrician with over two thousand (2,000) hours of documented experience as a licensed journeyman electrician or a master electrician; however, an individual owner of an electrical contracting business may act as his own journeyman electrician or master electrician provided that he has complied with the provisions of this section and section 54-1002, Idaho Code, pertaining to journeyman electricians. Each electrical contractor in this state shall, upon request of the administrator or his authorized agent, furnish a list of journeyman electricians in said electrical contractor's employ.

(3) Any individual working as an apprentice electrician, as defined in this act, must be registered with the division of occupational and professional licenses as an apprentice electrician, as provided in section 54-1007, Idaho Code, and it shall be unlawful for an individual to work as an apprentice electrician without possessing a current apprentice registration certificate. The supervision ratio in a residential setting shall be one (1) residential electrician, journeyman electrician, or master electrician to no more than six (6) apprentice electricians. The supervision ratio in any setting other than a residential setting ~~is~~ shall be one (1) journeyman electrician or master electrician to no more than two (2) apprentice electricians. No supervision ratio applies to an apprentice electrician who has completed six thousand (6,000) or more hours of work experience as an Idaho-registered apprentice or in accordance with the requirements of the jurisdiction where the applicant obtained such experience and who is currently enrolled in or has completed a board-approved career technical education program.

(4) Any individual working as a limited electrical installer trainee, as defined in this chapter, must be registered with the division of occupational and professional licenses as a limited electrical installer trainee. It shall be unlawful for an individual to work as a limited electrical installer trainee without possessing a current registration certificate. No supervision ratio applies to limited electrical installer trainees.

(5) The provisions of this section preempt, eliminate, and prohibit any cities, counties, incorporated or unincorporated areas, special use districts, or any other local governmental entities of any kind from adopting requirements through any code, ordinance, process, policy, or guidance that differ from or are more extensive than the requirements of this section. The preemption provided for in this subsection shall apply to any local code, ordinance, process, policy, or guidance in effect prior to, on, or after July 1, 2023.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved March 25, 2024

CHAPTER 181
(H.B. No. 700)

AN ACT

RELATING TO THE APPROPRIATION TO THE DIVISION OF VOCATIONAL REHABILITATION; APPROPRIATING ADDITIONAL MONEYS TO THE DIVISION OF VOCATIONAL REHABILITATION FOR FISCAL YEAR 2025; REDUCING THE APPROPRIATION TO THE DIVISION OF VOCATIONAL REHABILITATION FOR FISCAL YEAR 2025; AUTHORIZING ADDITIONAL FULL-TIME EQUIVALENT POSITIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the Division of Vocational Rehabilitation the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2024, through June 30, 2025:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. VOCATIONAL REHABILITATION:				
FROM:				
General				
Fund	\$73,000	\$800	\$16,900	\$90,700
Rehabilitation Revenue and Refunds				
Fund	1,400	500,000		501,400
Miscellaneous Revenue				
Fund	1,200			1,200
Federal Grant				
Fund	<u>290,000</u>	<u>3,200</u>	<u>78,500</u>	<u>371,700</u>
TOTAL	\$365,600	\$504,000	\$95,400	\$965,000

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
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II. COUNCIL FOR THE DEAF AND HARD OF HEARING:

FROM:

General

Fund	\$7,500		\$6,700	\$14,200
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GRAND TOTAL	\$373,100	\$504,000	\$102,100	\$979,200
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SECTION 2. Notwithstanding any other provision of law to the contrary, the appropriation made to the Division of Vocational Rehabilitation is hereby reduced by \$500,000 for the Vocational Rehabilitation Program for Trustee and Benefit Payments from the Rehabilitation Revenue and Refunds Fund for the period July 1, 2024, through June 30, 2025.

SECTION 3. FTP AUTHORIZATION. In addition to any other authorization provided by law, the full-time equivalent position authorization provided to the Division of Vocational Rehabilitation is hereby increased by two (2.00) for the period July 1, 2024, through June 30, 2025.

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved March 25, 2024

CHAPTER 182
(H.B. No. 699)

AN ACT

RELATING TO THE APPROPRIATION TO THE COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED; APPROPRIATING ADDITIONAL MONEYS TO THE COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED FOR FISCAL YEAR 2025; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the Commission for the Blind and Visually Impaired the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2024, through June 30, 2025:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
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FROM:

General

Fund	\$16,300	\$242,900	\$259,200
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Adaptive Aids and Appliances

Fund	300		300
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	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
Federal Grant			
Fund	<u>46,100</u>	<u>897,500</u>	<u>943,600</u>
TOTAL	\$62,700	\$1,140,400	\$1,203,100

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved March 25, 2024

CHAPTER 183
(H.B. No. 526)

AN ACT

RELATING TO MEDICAL CONSENT; AMENDING CHAPTER 45, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-4517, IDAHO CODE, TO PROHIBIT PELVIC EXAMINATIONS ON ANESTHETIZED OR UNCONSCIOUS PATIENTS, TO PROVIDE EXCEPTIONS, AND TO PROVIDE FOR PROFESSIONAL DISCIPLINE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 45, Title 39, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 39-4517, Idaho Code, and to read as follows:

39-4517. PELVIC EXAMINATION OF UNCONSCIOUS PATIENT. (1) A health care provider may not knowingly perform or authorize a student practicing under the provider's authority to perform a pelvic examination on a patient who is anesthetized or unconscious unless:

- (a) The patient or a person authorized to make health care decisions for the patient gave specific informed consent to the examination; or
- (b) The examination is necessary for diagnostic or treatment purposes.

(2) A health care provider who violates the provisions of subsection (1) of this section is subject to discipline from the provider's licensing board pursuant to title 54, Idaho Code.

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

Approved March 25, 2024

CHAPTER 184
(H.B. No. 482)

AN ACT

RELATING TO THE JUVENILE CORRECTIONS ACT; AMENDING SECTION 20-525A, IDAHO CODE, TO PROVIDE THAT A PARENT OR GUARDIAN SHALL NOT BE REQUIRED TO BE REPRESENTED BY AN ATTORNEY AT AN EXPUNGEMENT HEARING AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 20-525A, Idaho Code, be, and the same is hereby amended to read as follows:

20-525A. EXPUNGEMENT OF RECORD -- HEARING -- FINDINGS NECESSARY -- SPECIAL INDEX -- EFFECT OF ORDER. (1) Any person who has been adjudicated in a case under this act and found to be within the purview of the act for having committed a felony offense or having been committed to the department of juvenile corrections may, after the expiration of three (3) years from the date of termination of the continuing jurisdiction of the court, or, ~~in case if~~ the juvenile offender was committed to the juvenile correctional center, ~~then~~ three (3) years from the date of his release from the juvenile correctional center, or after reaching age eighteen (18) years, whichever occurs last, petition the court for the expungement of his record. Upon the filing of the petition, the court shall set a date for a hearing and shall notify the prosecuting attorney of the pendency of the petition and of the date of the hearing. The prosecuting attorney and any other person who may have relevant information about the petitioner may testify at the hearing.

(2) Any person who has been adjudicated in a case under this act and found to be within the purview of the act for having committed misdemeanor or status offenses only and not having been committed to the department of juvenile corrections may, after the expiration of one (1) year from the date of termination of the continuing jurisdiction of the court or after reaching age eighteen (18) years, whichever occurs later, petition the court for the expungement of his record. Upon the filing of the petition, the court shall set a date for a hearing and shall notify the prosecuting attorney of the pendency of the petition and the date of the hearing. The prosecuting attorney and any other person who may have relevant information about the petitioner may testify at the hearing.

(3) In any case where the prosecuting attorney has elected to utilize the diversion process or the court orders an informal adjustment, the person may, after the expiration of one (1) year from the date of termination of the continuing jurisdiction of the court or after reaching age eighteen (18) years, whichever occurs later, petition the court for the expungement of his record. Upon the filing of the petition, the court shall set a date for a hearing and shall notify the prosecuting attorney of the pendency of the petition and the date of the hearing. The prosecuting attorney and any other person who may have relevant information about the petitioner may testify at the hearing.

(4) A parent or guardian of a juvenile for whom a hearing is being held pursuant to this section who is appearing before or testifying at such hearing shall not be required to be represented by an attorney.

~~(4)~~ (5) The court may not expunge a conviction for any of the following crimes from a juvenile offender's record:

- (a) Administering poison with intent to kill (18-4014, Idaho Code);
- (b) Aggravated battery (18-907, Idaho Code);
- (c) Armed robbery (chapter 65, title 18, Idaho Code);

- (d) Arson (chapter 8, title 18, Idaho Code);
- (e) Assault with intent to commit a serious felony (18-909, Idaho Code);
- (f) Assault with intent to murder (18-4015, Idaho Code);
- (g) Assault or battery upon certain personnel, felony (18-915, Idaho Code);
- (h) Forcible sexual penetration by use of a foreign object (18-6604, Idaho Code);
- (i) Injury to child, felony (18-1501, Idaho Code);
- (j) Kidnapping (18-4501, Idaho Code);
- (k) Murder of any degree (18-4001 and 18-4003, Idaho Code);
- (l) Rape, excluding statutory rape (18-6101, Idaho Code);
- (m) Ritualized abuse of a child (18-1506A, Idaho Code);
- (n) Sexual exploitation of a child (18-1507, Idaho Code);
- (o) Unlawful use of destructive device or bomb (18-3320, Idaho Code);
- (p) Voluntary manslaughter (18-4006 1., Idaho Code);
- (q) A violation of the provisions of section 37-2732(a)(1)(A), (B) or (C), Idaho Code, when the violation occurred on or within one thousand (1,000) feet of the property of any public or private primary or secondary school, or in those portions of any building, park, stadium or other structure or grounds that were, at the time of the violation, being used for an activity sponsored by or through such a school; or
- (r) A violation of the provisions of section 37-2732B, Idaho Code, related to drug trafficking or manufacturing of illegal drugs.

~~(5)~~ (6) If the court finds after hearing that the petitioner has not been adjudicated as a juvenile offender for any of the crimes identified in subsection ~~(4)~~ (5) of this section and has not been convicted of a felony or of a misdemeanor wherein violence toward another person was attempted or committed since the termination of the court's jurisdiction or his release from the juvenile correctional center and that no proceeding involving such felony or misdemeanor is pending or being instituted against him, and if the court further finds to its satisfaction that the petitioner has been held accountable, is developing life skills necessary to become a contributing member of the community, and that the expungement of the petitioner's record will not compromise public safety, it shall order all records in the petitioner's case in the custody of the court and all such records, including law enforcement investigatory reports and fingerprint records, in the custody of any other agency or official sealed; and the court shall further order all references to said adjudication, diversion or informal adjustment removed from all indices and from all other records available to the public. However, a special index of the expungement proceedings and records shall be kept by the court ordering expungement, which index shall not be available to the public and shall be revealed only upon order of a court of competent jurisdiction. Copies of the order shall be sent to each agency or official named in the order. Upon the entry of the order, the proceedings in the petitioner's case shall be deemed never to have occurred and the petitioner may properly reply accordingly upon any inquiry in the matter. Inspection of the records may thereafter be permitted only by the court upon petition by the person who is the subject of the records, or by any other court of competent jurisdiction, and only to persons named in the petition.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

CHAPTER 185
(H.B. No. 486)

AN ACT

RELATING TO VETERANS; AMENDING SECTION 66-906, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE SUCCESSION TO PROPERTY OF DECEASED RESIDENTS OF VETERANS HOMES; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 66-906, Idaho Code, be, and the same is hereby amended to read as follows:

66-906. SUCCESSION TO PROPERTY OF DECEASED RESIDENT. Hereafter, the application of any person for membership in a veterans home of this state, and the admission of the applicant thereunder shall be and constitute a valid and binding contract between such applicant and the administrator of the division of veterans services in the department of self-governing agencies of the state of Idaho. Each applicant must agree prior to admission to any veterans home that on the death of said applicant, while a member of such home, and leaving no heirs at law next of kin, all personal intangible property owned by said applicant at the time of his death, including money or choses in action held by him and not disposed of by will, whether such property be the proceeds of pensions or otherwise derived, shall vest in and become the property of said division of veterans services in the department of self-governing agencies of the state of Idaho for the sole use and benefit of said home, the proceeds to be disposed of in such manner as may be ordered by the administrator of the division, and that all personal property of said applicant which, upon his death, while a member, shall at once pass to and vest in said administrator, subject to be delivered to the unclaimed property division within the office of the state treasurer within one (1) year after the member's death pursuant to section 14-513, Idaho Code. The applicant's property may be reclaimed by any legatee or person entitled to take the same by inheritance at any time within five (5) years after the death of such member, unless the member directs in writing that such property be donated to the division of veterans services after the member's death. A certificate of death for the resident is required for the division of veterans services to accept the donation. Any tangible property unclaimed within thirty (30) days of the death or discharge of said applicant is exempt from the unclaimed property act, chapter 5, title 14, Idaho Code, and shall be assigned to the state veterans home. The administrator of the division of veterans services is directed to so change the form of application for membership as to give reasonable notice of this provision to each applicant, and as to contain the consent of the applicant to accept membership upon the conditions herein provided.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved March 25, 2024

CHAPTER 186
(H.B. No. 633)

AN ACT

RELATING TO PUBLIC ASSISTANCE; AMENDING CHAPTER 2, TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 56-270, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING POSTPARTUM MEDICAID COVERAGE FOR WOMEN; PROVIDING LEGISLATIVE INTENT; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 2, Title 56, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 56-270, Idaho Code, and to read as follows:

56-270. STATE PLAN AMENDMENT -- POSTPARTUM MEDICAID COVERAGE. (1) The state shall amend its state plan to extend medicaid eligibility for twelve (12) months postpartum to individuals who, while pregnant, are eligible for and receive medicaid, in accordance with section 9812 of the American rescue plan act of 2021 and section 1902(e) (16) of the social security act.

(2) If federal financial participation for individuals identified in subsection (1) of this section is reduced or eliminated by more than ten percent (10%) following approval of the state plan amendment, then the senate and house of representatives health and welfare committees shall, as soon as practicable, review the effects of such reduction or elimination and make a recommendation to the legislature as to whether the eligibility extension granted by subsection (1) of this section should remain in effect. The review and recommendation described in this subsection shall be conducted by the date of adjournment of the regular legislative session following the date of reduction in or elimination of federal financial participation.

(3) The department of health and welfare is required and authorized to:

- (a) Take such actions as are necessary to implement the provisions of this section;
- (b) Begin the application process for federal approval of the state plan amendment described in subsection (1) of this section no later than July 1, 2024; and
- (c) Seek to maximize federal financial participation on medicaid coverage for individuals identified in subsection (1) of this section.

SECTION 2. LEGISLATIVE INTENT. It is the intent of the Legislature that the department of health and welfare begin the application process for any federal approval necessary to implement the provisions of this act no later than July 1, 2024.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 25, 2024

CHAPTER 187
(S.B. No. 1317)

AN ACT

RELATING TO MOTOR VEHICLE REGISTRATION; AMENDING SECTION 49-402, IDAHO CODE, TO PROVIDE A CODE REFERENCE; AMENDING SECTION 49-402D, IDAHO CODE, TO PROVIDE FOR THE STATE BOARD OF EDUCATION TO BE A PERMISSIBLE BENEFICIARY OF NEW SPECIALTY LICENSE PLATES; AMENDING CHAPTER 4, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-420S, IDAHO CODE, TO PROVIDE FOR DON'T TREAD ON ME LICENSE PLATES; AMENDING SECTION 33-1628, IDAHO CODE, TO ESTABLISH A FIREARMS SAFETY GRANT FUND AND PROGRAM FOR FIREARMS SAFETY EDUCATION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 49-402, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

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

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

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

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

(4) For operation of an all-terrain vehicle, utility type vehicle or motorbike, excluding a motorbike with an engine displacement of fifty (50) cubic centimeters or less, on city, county or highway district roads or highways open to such use, a restricted vehicle license plate fee pursuant to section 49-450, Idaho Code, shall be paid. In addition, the certificate of number fee specified in section 67-7122, Idaho Code, shall be paid as provided in section 67-7122, Idaho Code. The certificate of number and restricted vehicle license plate exemption provided in section 49-426(2), Idaho Code, applies to all-terrain vehicles, utility type vehicles, motorbikes and motorcycles used for the purposes described in section 49-426(2), Idaho Code. Nonresidents shall be allowed to purchase a restricted vehicle license plate and validation sticker pursuant to section 67-7124, Idaho Code, for an all-terrain vehicle, utility type vehicle, or motorbike.

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

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

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

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

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

registration for the purpose of reregistration and notice of expiration. The initial program fee and the annual program fee shall be deposited in the state highway account and shall be used to fund the cost of administration of special license plate programs, unless otherwise specified by law.

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

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

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

49-402D. SPECIAL LICENSE PLATE PREQUALIFICATION PROCESS.

(1) (a) For any new special license plate program approved by the legislature, the program sponsor shall, before issuance of any such special license plate, meet the prequalification process outlined in this section. The program sponsor for any special plate program shall:

(i) Submit a financial plan for the use of the proceeds from the special license plate sales and certify that all such proceeds shall be deposited in the highway distribution account, except with respect to any new special plate that may be established for the benefit of an Idaho college or university pursuant to section 49-418A, Idaho Code, ~~or a military license plate, or a license plate for the benefit of the Idaho state board of education or specific education programs, grant funds, or initiatives administered by the Idaho state board of education;~~ and

(ii) Designate an individual who shall be deemed responsible by the agency for certifying compliance with the requirements of this section and working with the department.

(b) The department is authorized and shall adopt and promulgate rules to carry out the provisions of this section.

(2) If the request for a special license plate is approved by the department, the following requirements, in addition to those set out in subsection (1) of this section, shall be met by September 1 prior to the next legislative session and prior to the issuance of any special license plates approved by the legislature.

(a) The applicant shall deposit estimated programming and administrative costs with the department to be utilized for programming costs of the specialty plate. Administrative costs in the amount of one thousand dollars (\$1,000) shall be nonrefundable.

(b) In addition to the requirements provided for in section 49-402C, Idaho Code, the applicant requesting a special license plate program shall provide to the department an acceptable plate design.

(c) The applicant shall transmit to the department a list of two hundred fifty (250) applicants, whose vehicles are currently registered in the state of Idaho, who intend to purchase the specialty plate when available, as evidenced by completing forms provided by the department.

(3) The department shall submit the completed applications for special license plate programs that meet the requirements of this section to the chairmen of the senate transportation committee and the house of representatives transportation and defense committee each year on behalf of the agency to be included for consideration in the next legislative session.

(4) On an annual basis, by December 1 of each calendar year, the sponsor of a special license plate program shall prepare an annual report, which shall be made available on request and shall be forwarded to the department. Such report shall include an accounting of revenues and expenditures associated with the funds collected for the special license plate program. The department shall compile and forward such reports to the chairmen of the senate transportation committee and the house of representatives transportation and defense committee by January 15 of each year. Failure of the agency to provide such report by the due date shall result in the discontinuation of the special license plate program sales on January 1. The provisions of this section shall exclude special plates established for the highway distribution account, an Idaho college or university pursuant to section 49-418A, Idaho Code, and military license plate programs.

(5) Any decision by the department that the special license plate program application does not meet the provisions of this section may be appealed to the director of the department. Such notice of appeal shall be made in writing within twenty (20) days of the notice of denial. For all denied applications, the department shall, at the next legislative session, report to the senate and house of representatives transportation committees on such denied applications and the reason for the denials.

SECTION 3. That Chapter 4, Title 49, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 49-420S, Idaho Code, and to read as follows:

49-420S. DON'T TREAD ON ME LICENSE PLATES. (1) Effective January 1, 2025, any person who is the owner of a vehicle registered under the provisions of section 49-402, Idaho Code, or registered under any other section of law for which the purchase of special plates is allowed, may apply for and, upon department approval, receive don't tread on me license plates in lieu of regular license plates. The provisions of this section shall not apply to any vehicle with a registered maximum gross weight over twenty-six thousand (26,000) pounds. Availability of don't tread on me license plates for other vehicles shall be subject to the rules, policies, and procedures of the department.

(2) In addition to the regular registration fee required in this chapter, the applicant shall be charged a fee of thirty-five dollars (\$35.00) for the initial issuance of plates, and twenty-five dollars (\$25.00) upon each succeeding annual registration. Thirteen dollars (\$13.00) of the initial fee and thirteen dollars (\$13.00) of the renewal fee shall be deposited in the state highway account and shall be used to fund the cost of administration of this special license plate program, including the initial plate design for the plate provided for in this section. Except for the reimbursement of initial plate design costs as provided for in subsection (4) of this section, twenty-two dollars (\$22.00) of each initial fee and twelve dollars (\$12.00) of each renewal fee shall be transferred by the state treasurer to the firearms safety grant fund established in section 33-1628, Idaho Code.

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

(4) The don't tread on me license plate shall be of a color and design in accordance with the provisions of section 49-402C, Idaho Code, and shall include the Gadsden flag on a bright yellow background with the image of a rattlesnake and the words "don't tread on me." The design shall be approved by the Idaho transportation department utilizing a numbering system as determined by the department. Initial costs of the plate program, including costs of plate design, shall be paid by the state board of education and shall be reimbursed from the initial moneys distributed to the firearms safety grant fund established in section 33-1628, Idaho Code.

(5) Sample don't tread on me license plates may be purchased for a fee of thirty dollars (\$30.00), thirteen dollars (\$13.00) of which shall be deposited in the state highway account and seventeen dollars (\$17.00) of which shall be transferred to the firearms safety grant fund established in section 33-1628, Idaho Code, to be used for the purpose stated in that section.

SECTION 4. That Section 33-1628, Idaho Code, be, and the same is hereby amended to read as follows:

33-1628. FIREARMS SAFETY EDUCATION IN PRIMARY AND SECONDARY SCHOOLS. (1) The board of trustees of a school district is encouraged to establish and maintain a firearms safety education course for primary and secondary school students. The trustees may adopt an elective course of instruction developed by the department of fish and game, a law enforcement agency, or a national firearms association as its firearms safety education course. Instructors from the department of fish and game, a law enforcement agency or a national firearms association, or a person recognized by the trustees as having expertise in firearms safety education may provide the course instruction.

(2) There is hereby created in the state treasury the firearms safety grant fund, to which shall be credited all moneys both public and private that may be appropriated, allocated, donated, distributed to, or otherwise provided for by law, including moneys distributed pursuant to section 49-420S, Idaho Code. Moneys in the fund shall be used exclusively for educational program grants as provided for in this section. Moneys in the fund shall be continuously appropriated for the purposes of this program. All idle moneys in the fund shall be invested by the state treasurer in a like manner as provided for in section 67-1210, Idaho Code, with respect to other surplus or idle moneys in the state treasury. Interest earned on the investments shall be returned to the fund.

(3) The state board of education shall administer a grant program for firearms safety pursuant to this section. The state board of education shall adopt rules to implement and sustain the grant program established by this subsection. Such rules shall provide for moneys in the firearms safety grant fund to be awarded in the form of grants to school districts that apply for the use of such funds to establish or maintain firearms safety education courses pursuant to subsection (1) of this section.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved March 25, 2024

CHAPTER 188
(S.B. No. 1380)

AN ACT

RELATING TO THE HEALTH AND SOCIAL SERVICES OMBUDSMAN; AMENDING SECTION 67-2601, IDAHO CODE, AS AMENDED BY SECTION 2, CHAPTER 182, LAWS OF 2023, AND BY SECTION 33, CHAPTER 220, LAWS OF 2023, TO PROVIDE FOR THE OFFICE OF HEALTH AND SOCIAL SERVICES OMBUDSMAN WITHIN THE DEPARTMENT OF SELF-GOVERNING AGENCIES; AMENDING TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 19, TITLE 56, IDAHO CODE, TO DEFINE A TERM, TO ESTABLISH PROVISIONS REGARDING THE HEALTH AND SOCIAL SERVICES OMBUDSMAN, TO PROVIDE FOR POWERS AND DUTIES, TO ESTABLISH PROVISIONS REGARDING COMPLAINTS, TO ESTABLISH PROVISIONS REGARDING COMPLAINT REVIEW AND EXAMINATION, TO ESTABLISH PROVISIONS REGARDING THE OBLIGATIONS OF STATE AGENCIES AND DEPARTMENTS, TO ESTABLISH PROVISIONS REGARDING PENALTIES FOR OBSTRUCTION OR RETALIATION, TO ESTABLISH PROVISIONS REGARDING ACCESS TO RECORDS, AND TO ESTABLISH PROVISIONS REGARDING DISCLOSURE OF COMPLAINTS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 67-2601, Idaho Code, as amended by Section 2, Chapter 182, Laws of 2023, and by Section 33, Chapter 220, Laws of 2023, be, and the same is hereby amended to read as follows:

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

(2) The department shall consist of the following:

(a) Agricultural commodity commissions: Idaho apple commission, as provided by chapter 36, title 22, Idaho Code; Idaho bean commission, as provided by chapter 29, title 22, Idaho Code; Idaho beef council, as provided by chapter 29, title 25, Idaho Code; Idaho cherry commission, as provided by chapter 37, title 22, Idaho Code; Idaho dairy products commission, as provided by chapter 31, title 25, Idaho Code; Idaho pea and lentil commission, as provided by chapter 35, title 22, Idaho Code; Idaho potato commission, as provided by chapter 12, title 22, Idaho Code; Idaho wheat commission, as provided by chapter 33, title 22, Idaho Code; and Idaho alfalfa and clover seed commission, as provided in chapter 42, title 22, Idaho Code.

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

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

(d) The division of veterans services, to be headed by a division administrator who shall be a nonclassified employee exempt from the provisions of chapter 53, title 67, Idaho Code. The administrator of the division shall administer the provisions of chapter 2, title 65, Idaho Code, and chapter 9, title 66, Idaho Code, with the advice of the veterans affairs commission established under chapter 2, title 65, Idaho Code, and shall perform such additional duties as are imposed upon him by law.

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

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

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

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

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

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

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

SECTION 2. That Title 56, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 19, Title 56, Idaho Code, and to read as follows:

CHAPTER 19
HEALTH AND SOCIAL SERVICES OMBUDSMAN

56-1901. HEALTH AND SOCIAL SERVICES OMBUDSMAN ESTABLISHED. (1) As used in this chapter, "service recipient" means:

(a) A child who receives foster care or protective supervision services pursuant to chapter 16, title 16, Idaho Code; or

(b) A child receiving services in a residential treatment facility in Idaho.

(2) There is hereby created in the department of self-governing agencies the office of health and social services ombudsman.

(3) The health and social services ombudsman shall act as an independent ombudsman monitoring and evaluating the compliance of public agencies and private entities with relevant statutes, rules, and policies pertaining to the provision of health and social services to service recipients.

(4) The health and social services ombudsman shall ensure the protection of service recipients' rights and promotion of the recipients' best interests and safeguard the welfare of service recipients through advocacy, system reform, public awareness, and training.

(5) The health and social services ombudsman shall be appointed by the governor and subject to confirmation by the senate. Such individual shall be qualified by training and experience to perform the duties and exercise the powers of the health and social services ombudsman as provided in this chapter.

56-1902. POWERS AND DUTIES. The health and social services ombudsman shall:

(1) Operate independently of the legislature, the courts, the department of health and welfare, and any other state agency or department;

(2) Establish and manage a statewide procedure to receive, examine, and resolve complaints submitted pursuant to section 56-1903, Idaho Code;

(3) Inform a service recipient or the service recipient's legal guardian of the service recipient's rights and obligations under applicable federal and state laws;

(4) Collect and analyze each quarterly report issued by the citizen review panel pursuant to section 16-1647, Idaho Code, and any responses by the department of health and welfare or other relevant state department or agency;

(5) Gather and analyze data to discern general patterns and trends, chronic problems, and other systemic challenges in the provision of health and social services, including but not limited to foster care or protective supervision services, and in the detection, reporting, examination, prosecution, and resolution of cases of abuse and neglect;

(6) Review and recommend changes to laws relevant to the child protective act pursuant to chapter 16, title 16, Idaho Code, and the juvenile corrections act pursuant to chapter 5, title 20, Idaho Code;

(7) Provide an annual report on the work of the office, the operation of child welfare in the state, and related recommendations to the governor, the legislature, the director of the department of health and welfare or other relevant state departments or agencies, the state public defender, and the courts; and

(8) Establish internal procedures and educate the public about the role of the office.

56-1903. COMPLAINTS. (1) Complaints may be submitted to the ombudsman:

(a) With respect to a particular service recipient, alleging an agency's or department's behavior or action was:

- (i) Contrary to law, rule, or policy;
- (ii) Imposed without an adequate statement of reason; or
- (iii) Based on irrelevant, immaterial, or erroneous grounds;

(b) By any of the following:

- (i) A service recipient, including a child under eighteen (18) years of age if the child is able to articulate a complaint;
- (ii) A biological parent of a service recipient;
- (iii) A foster parent of a service recipient;
- (iv) An adoptive parent or a prospective adoptive parent of a service recipient;
- (v) A legally appointed guardian of the service recipient;
- (vi) A guardian ad litem for a service recipient;
- (vii) A relative of a service recipient or any person with a legitimate interest;
- (viii) A member of the Idaho senate or Idaho house of representatives; and
- (ix) An attorney for any individual described in this paragraph.

(2) Upon receipt of a complaint, the ombudsman is authorized to conduct a review or examination of said complaint if, within the ombudsman's sole discretion, the ombudsman deems the complaint meritorious and within the powers and duties of the office of the ombudsman.

(3) When there is reasonable cause to believe maltreatment has resulted in death or serious physical injury jeopardizing the life, health, or safety of a service recipient, the ombudsman shall report such information as expeditiously as possible to the appropriate law enforcement agency.

(4) When a complaint is made by an individual pursuant to subsection (1) of this section, if known, the complaint shall contain:

- (a) The name and address of the service recipient and the alleged perpetrator;
- (b) The nature and extent of the maltreatment; and
- (c) Any other known information that will be of assistance in the examination of the complaint.

56-1904. COMPLAINT REVIEW AND EXAMINATION. (1) Upon receipt of a complaint, or upon the ombudsman's own initiative, the ombudsman may:

- (a) Determine if a complaint involves any action by the department of health and welfare or any other state agency or department that provides health and social services in this state to service recipients;

(b) Review an alleged violation of the rights of a service recipient or service recipient's legal guardian;

(c) When a child may have died as a result of alleged abuse or neglect while receiving foster care or protective supervision services or after being placed for adoption:

(i) Initiate examinations of actions taken by the department of health and welfare or any state agency that provides health and social services in this state;

(ii) Pursue all necessary action, including legal action, to protect the child's welfare and rights;

(iii) Review policies and make recommendations for improvements regarding any agency's or department's involvement with children; and

(iv) Commence and conduct investigations into alleged violations of the rights of a foster parent;

(d) Access records and reports to the same extent and in the same manner as provided to any department or agency, court of any jurisdiction, the attorney general, prosecuting attorney, or any attorney retained by a state agency or department to the same extent and in the same manner as provided to the department of health and welfare;

(e) Pursue, through subpoena or otherwise, the production of documents necessary to carry out the ombudsman's role pursuant to this chapter and seek enforcement from a court of relevant jurisdiction;

(f) Hold fact finding hearings and request individuals to appear before the ombudsman to give testimony or produce documents or other evidence that the ombudsman considers relevant to a matter under examination; and

(g) At any time, make independent recommendations without prior review by any other agency, department, office, or official concerning improvements to health and social services and the rapid implementation of such. No entity may prohibit the release of an ombudsman recommendation to the governor, the legislature, or the courts.

(2) If, in the course of conducting an examination into a complaint, the ombudsman suspects an individual has committed a crime, the ombudsman shall immediately inform the proper authorities.

(3) Upon completion of an examination into a complaint, the ombudsman shall prepare a final report of the complaint review. If maltreatment of a service recipient or violation of the rights of the service recipient is substantiated, the final report shall be made available to law enforcement.

56-1905. OBLIGATIONS OF STATE AGENCIES AND DEPARTMENTS. Upon request of the ombudsman, a state agency or department shall:

(1) Provide the ombudsman with access to all information, records, and documents in possession or control of the state agency or department, including unfettered access to the state agency's or department's computer network and electronic files to the extent not prohibited by federal law;

(2) Assist the ombudsman with document acquisition, including by providing help with any waivers or releases necessary to obtain the information; and

(3) Provide timely responses to requests from the ombudsman.

56-1906. PENALTIES FOR OBSTRUCTION OR RETALIATION. Any individual who willfully interferes with or impedes the health and social services ombudsman in the performance of the duties of the ombudsman's office or who retaliates against anyone who files a complaint pursuant to section 56-1903, Idaho Code, shall be guilty of a misdemeanor punishable by a fine of up to one thousand dollars (\$1,000) or by imprisonment in the county jail for a term not to exceed six (6) months, or both.

56-1907. ACCESS TO RECORDS. Any person, department, agency, or commission authorized to carry out the duties enumerated in this chapter shall have access to all relevant records, which shall be subject to disclosure pursuant to chapter 1, title 74, Idaho Code. Other persons and entities shall be granted only such access with the written consent of the guardian or guardian ad litem of the service recipient or the service recipient's legal representative or pursuant to other proper judicial process or federal law.

56-1908. DISCLOSURE OF COMPLAINTS. Complaints received by the ombudsman and any examination of such complaint, including informal proceedings and any informal proceedings conducted by any designee of the ombudsman pursuant to this chapter and any rules adopted pursuant to this chapter, shall not be subject to public disclosure pursuant to chapter 1, title 74, Idaho Code.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved March 25, 2024

CHAPTER 189

(H.B. No. 607, As Amended in the Senate)

AN ACT

RELATING TO PUBLIC BUILDINGS AND WORKS; AMENDING CHAPTER 57, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5711E, IDAHO CODE, TO ESTABLISH A PROCESS FOR BIDDERS OR THE ADMINISTRATOR TO CHALLENGE CERTAIN MATTERS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 57, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-5711E, Idaho Code, and to read as follows:

67-5711E. CHALLENGES. (1) As used in this section:

- (a) "Administrator" means the administrator of the division of public works.
- (b) "Director" means the director of the department of administration.
- (c) "Hearing officer" has the same meaning as provided for in section 67-5201, Idaho Code.
- (d) "Nonresponsive bid" means a bid that does not comply with a bid invitation and specifications and does not include a bidder whose bid is considered but who is determined not to be the lowest responsible bidder.

(2) An entity that was a primary bidder or primary proposer may challenge the administrator's decision pursuant to the provisions of this section under the following circumstances:

- (a) A bidder's bid was found nonresponsive;
- (b) A bidder's bid was considered pursuant to section 67-5711C, Idaho Code, and the bidder was found not to be the lowest responsible bidder;
- (c) A professional service firm's proposal was considered pursuant to section 67-2320, Idaho Code, and was not selected for award; or
- (d) A design-build firm's proposal was considered pursuant to section 67-5711A, Idaho Code, and was not selected for award.

(3) The administrator may, on his own initiative, file a challenge seeking resolution of any matter presented to the administrator for a decision.

(4) Challenges shall be submitted to the director within five (5) business days of the notice of the challenged decision. The challenge shall set forth in specific terms the reasons why the bidder challenges the administrator's decision as erroneous and shall provide available documentation supporting such reasons.

(5) Upon receipt, the director shall act pursuant to this subsection within five (5) business days.

(a) Upon receipt of a challenge where no request for qualifications was issued the director shall:

(i) Affirm the decision of the administrator, which shall be considered the final agency decision;

(ii) Modify the decision of the administrator;

(iii) Affirm the challenge and issue recommendations to the administrator; or

(iv) Request a hearing officer to review the record and recommend to the director to affirm, modify, or reverse the administrator's decision.

(b) Upon receipt of a challenge where a request for qualifications was issued the director shall request a hearing officer to:

(i) Review the record and recommend to the director to affirm, modify, or reverse the administrator's decision; or

(ii) Conduct a contested case hearing.

(c) A hearing officer appointed pursuant to paragraph (b) (ii) of this subsection shall conduct a contested case hearing and upon conclusion of the hearing shall prepare findings of fact, conclusions of law, and a recommended order for the director. Upon receipt of the findings of fact, conclusions of law, and recommended order, the director shall enter a final order affirming, modifying, or reversing the decision of the administrator.

(d) In addition to the requirements of section 67-5270, Idaho Code, the challenging bidder shall also file a protest bond in an amount equal to twenty-five percent (25%) of the allocated budget for the construction of the public works capital improvements.

(i) If the allocated budget was not included in the request for qualifications, the director shall set the value of the protest bond at a reasonable amount that does not exceed twenty-five percent (25%) of the anticipated capital expenditures to complete the public works improvements.

(ii) If the challenge is successful, the protest bond will be returned to the challenging bidder within fourteen (14) days of the final decision having been made.

(iii) If the challenge is not successful, a claim may be made against the protest bond by the public entity in an amount equal to the expenses incurred by the public entity because of the challenge. Such expenses must be documented and may include but are not limited to legal fees, court costs, escalated material prices, and other direct damages related to the challenge. The remainder of the bond shall be released after the claim has been satisfied.

(6) When a challenge is submitted under this section, the administrator shall not execute a contract until the challenge is concluded. However, the director shall have the power to allow a contract to be awarded to the successful bidder if he determines such award to be in the best interest of the state.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved March 25, 2024

CHAPTER 190
(H.B. No. 610)

AN ACT

RELATING TO TRAFFIC ENFORCEMENT; AMENDING SECTION 49-1422, IDAHO CODE, TO REVISE PROVISIONS REGARDING FINES AND PENALTIES FOR OVERTAKING AND PASSING A SCHOOL BUS AND TO PROVIDE FOR THE USE OF CERTAIN MONEYS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 49-1422, Idaho Code, be, and the same is hereby amended to read as follows:

49-1422. OVERTAKING AND PASSING SCHOOL BUS. (1) The driver of a vehicle meeting or overtaking from either direction any school bus stopped on the highway shall stop before reaching the school bus when there is in operation on a school bus the visual signals specified in section 49-915, Idaho Code, and the driver of a vehicle shall not proceed until the school bus resumes motion or the visual signals are no longer actuated. Oncoming traffic on a highway of more than three (3) lanes is not required to stop upon meeting a school bus when visual signals are actuated. ~~Any person found guilty of violating the provisions of this subsection shall be fined an amount of no less than two hundred dollars (\$200) for a first offense under this subsection; no less than four hundred dollars (\$400) for a second offense under this subsection within five (5) years of a prior offense under this subsection; and no less than six hundred dollars (\$600) for a third offense under this subsection within five (5) years of two (2) prior offenses under this subsection. Any person found guilty of violating the provisions of this subsection for the first time shall be guilty of an infraction punishable by a fine of three hundred dollars (\$300). A person convicted of a second offense or any subsequent offense under this subsection within five (5) years shall be guilty of a misdemeanor punishable by a fine of no less than six hundred dollars (\$600) or more than one thousand dollars (\$1,000), or by imprisonment in the county jail not exceeding six (6) months, or by both such fine and imprisonment. The department shall notify any person convicted of a violation of this section of the penalties that may be imposed for a second conviction and any subsequent conviction. Notwithstanding the provisions of section 19-4705, Idaho Code, the fines imposed under this subsection in excess of one hundred dollars (\$100) shall be paid into the school bus camera fund, which is hereby created in the state treasury. Moneys in the fund may be appropriated only for the purpose of installing cameras on school buses to enforce the traffic law established in this section. If no program is established for the administration of the school bus camera fund by July 1, 2024, then such funds shall be distributed pursuant to section 19-4705, Idaho Code. Moneys in the fund may be appropriated only for the purpose of school bus stop arm software, equipment, and training to enforce the provisions of this section. Administration of the school bus camera fund shall be overseen by the state department of education.~~

(2) Every school bus shall be equipped with visual signals meeting the requirements of section 49-915, Idaho Code, which shall be actuated by the driver of the school bus whenever, but only whenever, the vehicle is stopped on the highway for the purpose of receiving or discharging school children. A school bus driver shall not actuate the special visual signals:

(a) In business districts designated by the department or local authorities;

(b) At intersections or other places where traffic is controlled by traffic control signals or peace officers; or

(c) In designated school bus loading areas where the bus is entirely off the roadway.

(3) Every school bus shall bear upon the front and rear plainly visible signs containing the words "SCHOOL BUS" in letters not less than eight (8) inches in height. When a school bus is being operated upon a highway for purposes other than the actual transportation of children either to or from school, all markings thereon indicating "school bus" shall be covered or concealed.

(4) When any school bus is sold and is no longer to be used for the transportation of pupils, before it may again be used on the highways of this state, it shall be painted a color other than national school bus glossy yellow, federal standard 595a, color number 13432, and all school bus markings shall be obliterated.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved March 25, 2024

CHAPTER 191
(H.B. No. 543)

AN ACT

RELATING TO HOMEOWNER'S ASSOCIATIONS; AMENDING CHAPTER 32, TITLE 55, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 55-3213, IDAHO CODE, TO PROVIDE THAT A HOMEOWNER'S ASSOCIATION MAY NOT PROHIBIT THE OPERATION OF A FAMILY DAYCARE HOME AND TO PROVIDE CERTAIN REQUIREMENTS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 32, Title 55, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 55-3213, Idaho Code, and to read as follows:

55-3213. FAMILY DAYCARE HOMES. (1) On and after July 1, 2024, except as otherwise provided in this section, no homeowner's association may add, amend, or enforce any covenant, condition, or restriction in such a way that prohibits or has the effect of prohibiting the operation of a family daycare home as defined in section 39-1102, Idaho Code. This section shall not affect any covenant, condition, or restriction in effect prior to July 1, 2024.

(2) The provisions of this section shall not supersede any of the homeowner's association's regulations concerning architectural control, parking, landscaping, noise, or other matters applicable to all homeowner association members.

(3) A homeowner's association may adopt reasonable rules in compliance with any applicable laws or ordinances, including a requirement that a family daycare home be licensed pursuant to the applicable provisions of chapter 11, title 39, Idaho Code.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved March 25, 2024

CHAPTER 192
(H.B. No. 617)

AN ACT

RELATING TO SYRINGE AND NEEDLE EXCHANGE; REPEALING CHAPTER 34, TITLE 37, IDAHO CODE, RELATING TO THE SYRINGE AND NEEDLE EXCHANGE ACT; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 34, Title 37, Idaho Code, be, and the same is hereby repealed.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved March 25, 2024

CHAPTER 193
(H.B. No. 715)

AN ACT

RELATING TO THE APPROPRIATION FROM THE IDAHO MILLENNIUM INCOME FUND; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE SUBSTANCE ABUSE TREATMENT AND PREVENTION PROGRAM FOR COMMUNITY-BASED RECOVERY CENTERS FOR FISCAL YEAR 2025; PROVIDING FOR OVERSIGHT FOR MONEYS PROVIDED TO COMMUNITY-BASED RECOVERY CENTERS; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE SUBSTANCE ABUSE TREATMENT AND PREVENTION PROGRAM FOR IDAHO DRUG FREE YOUTH FOR FISCAL YEAR 2025; PROVIDING FOR OVERSIGHT FOR MONEYS PROVIDED TO IDAHO DRUG FREE YOUTH; APPROPRIATING ADDITIONAL MONEYS TO IDAHO PUBLIC TELEVISION FOR FISCAL YEAR 2025; AUTHORIZING AN ADDITIONAL FULL-TIME EQUIVALENT POSITION FOR IDAHO PUBLIC TELEVISION; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE PHYSICAL HEALTH SERVICES PROGRAM FOR PUBLIC HEALTH DISTRICTS FOR FISCAL YEAR 2025; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE PHYSICAL HEALTH SERVICES PROGRAM FOR PROJECT FILTER FOR FISCAL YEAR 2025; PROVIDING REAPPROPRIATION AUTHORITY FOR THE STATE DEPARTMENT OF EDUCATION FOR FISCAL YEAR 2025; DIRECTING THE REVERSION OF FUNDS FROM THE DEPARTMENT OF HEALTH AND WELFARE; DIRECTING THE FUTURE USES OF THE IDAHO MILLENNIUM INCOME FUND; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the Department of Health and Welfare for the Substance Abuse Treatment and Prevention Program \$1,350,000 from the Idaho Millennium Income Fund to be expended for trustee and benefit payments for the period July 1, 2024, through June 30, 2025, for the purpose of continued distribution to eligible community-based recovery centers. "Community-based recovery center" means a not-for-profit organization with an oversight advisory board and a verifiable physical location where support services are provided to Idahoans at no cost or at very limited cost, including peer-to-peer support, job training, recovery support to reduce substance use, and recovery coaching. Funds shall be used by the community-based recovery centers to support the operations of the center, including but not limited to personnel costs, rent or lease expenses, basic supplies, and other operating costs. Community-based recovery centers shall provide to the Department of Health and Welfare a document that demonstrates operational and fiscal accountability for the center. Community-based recovery centers shall work in partnership with the Department of Health and Welfare and sign an attestation letter or equivalent document that ensures funds will be used in accordance with this section, with Section 2 of this act, and with any other applicable rule or law, and that all moneys received will be accounted for using generally accepted accounting principles.

SECTION 2. COMMUNITY-BASED RECOVERY CENTERS OVERSIGHT. (1) The Department of Health and Welfare shall provide oversight for the funds provided in Section 1 of this act for community-based recovery centers. The Department of Health and Welfare shall:

(a) Provide four distributions of \$37,500 for a total distribution of \$150,000 to each eligible center. Distributions shall occur no later than July 15, 2024, October 15, 2024, January 15, 2025, and April 15, 2025;

(b) Receive and compile two reports from each center and transmit each report to the Budget and Policy Analysis Division of the Legislative Services Office on behalf of the Joint Millennium Fund Committee by December 30, 2024, and by June 30, 2025, or as soon thereafter as is practicable. The format of the report and the content therein shall be determined by the Budget and Policy Analysis Division of the Legislative Services Office;

(c) Withhold or recover distributions pursuant to paragraph (a) of this subsection if the center is not operating or has indicated it intends to no longer operate prior to the close of the fiscal year, if it does not provide any of the required reports, or otherwise as needed to address legal or fiscal concerns of funds provided to a center; and

(d) Assist each center, as needed, to ensure services are being provided as intended by this act and to meet the needs of that local community.

(2) The Department of Health and Welfare shall not have the authority to directly manage any center or direct any center to perform functions not required in this section or Section 1 of this act. The Department of Health and Welfare shall assist each center to ensure funds are used in accordance with this section. If the Department of Health and Welfare has reason to believe funds are used in violation of this section or Section 1 of this act, or any other rule or law, the Department of Health and Welfare may withhold funds until the center is in compliance with this act and applicable laws. The Department of Health and Welfare shall immediately notify the Budget and Policy Analysis Division of the Legislative Services Office on behalf of the Joint Millennium Fund Committee of any misused or perceived to be misused funds. The Department of Health and Welfare shall work collaboratively with such center and the executive office of the governor to develop an appropriate corrective action plan.

SECTION 3. In addition to any other appropriation provided by law, there is hereby appropriated to the Department of Health and Welfare for the Substance Abuse Treatment and Prevention Program \$250,000 on behalf of Idaho Drug Free Youth from the Idaho Millennium Income Fund to be expended for trustee and benefit payments for the period July 1, 2024, through June 30, 2025, for the purpose of supporting programs offered by Idaho Drug Free Youth. Funds shall be used by Idaho Drug Free Youth to support its various programs, including its annual youth summit, program chapters, and drug free school coordinators. Idaho Drug Free Youth shall provide to the Department of Health and Welfare a document that demonstrates operational and fiscal accountability for the supported programs. Idaho Drug Free Youth shall work collaboratively with the Department of Health and Welfare and shall sign an attestation letter or equivalent document that ensures funds will be used in accordance with this section, with Section 4 of this act, and with any other applicable rule or law and accounted for using generally accepted accounting principles.

SECTION 4. IDAHO DRUG FREE YOUTH OVERSIGHT. (1) The Department of Health and Welfare shall provide oversight for the funds provided in Section 3 of this act for Idaho Drug Free Youth. The Department of Health and Welfare shall:

(a) Provide four distributions of \$62,500 for a total distribution of \$250,000. Distributions shall occur no later than July 15, 2024, October 15, 2024, January 15, 2025, and April 15, 2025;

(b) Receive and compile two reports from Idaho Drug Free Youth and transmit each report to the Budget and Policy Analysis Division of the Legislative Services Office on behalf of the Joint Millennium Fund Committee by December 30, 2024, and by June 30, 2025, or as soon thereafter as is practicable. The format of the report and the content therein shall be determined by the Budget and Policy Analysis Division of the Legislative Services Office;

(c) Withhold or recover distributions pursuant to paragraph (a) of this subsection if Idaho Drug Free Youth is not operating or has indicated it intends to no longer operate prior to the close of the fiscal year, if it does not provide any of the required reports, or otherwise as needed to address legal or fiscal concerns of funds provided to Idaho Drug Free Youth; and

(d) Assist Idaho Drug Free Youth, as needed, to ensure services are being provided as intended by this act and to meet the needs of program participants.

(2) The Department of Health and Welfare shall not have the authority to directly manage Idaho Drug Free Youth or direct Idaho Drug Free Youth to perform functions not required in this section or Section 3 of this act. The Department of Health and Welfare shall assist Idaho Drug Free Youth to ensure funds are used in accordance with this section. If the Department of Health and Welfare has reason to believe funds are misused in violation of this section or Section 3 of this act, or any rule or law, the Department of Health and Welfare may withhold funds until Idaho Drug Free Youth is in compliance with this act and applicable law. The Department of Health and Welfare shall immediately notify the Budget and Policy Analysis Division of the Legislative Services Office on behalf of the Joint Millennium Fund Committee of any misused or perceived to be misused funds. The Department of Health and Welfare shall work collaboratively with Idaho Drug Free Youth to develop an appropriate corrective action plan.

SECTION 5. In addition to any other appropriation provided by law, there is hereby appropriated to Idaho Public Television the following amounts to be expended according to the designated expense classes from the Idaho Millennium Income Fund for the period July 1, 2024, through June 30, 2025, for the purpose of media campaigns for education and awareness related to vaping, tobacco, and other substance use issues, and to promote the overall health of Idaho's children in accordance with this act and for other programs that receive an appropriation from the Idaho Millennium Income Fund:

FOR:

Personnel Costs	\$150,000
Operating Expenditures	<u>850,000</u>
TOTAL	\$1,000,000

SECTION 6. FTP AUTHORIZATION. In addition to any other authorization provided by law, the full-time equivalent position authorization provided to Idaho Public Television is hereby increased by one (1.00) for the period July 1, 2024, through June 30, 2025.

SECTION 7. In addition to any other appropriation provided by law, there is hereby appropriated to the Department of Health and Welfare for the Physical Health Services Program \$821,100 on behalf of the Idaho Public Health Districts from the Idaho Millennium Income Fund to be expended for trustee and benefit payments for the period July 1, 2024, through June 30, 2025, for the purpose of prevention and cessation programs for tobacco, vape, and other substances with a priority given to Idaho's youth then adults. The Department of Health and Welfare shall transfer the funds on July 1, 2024, or as soon thereafter as practicable. The funds shall be distributed to each district based on the approved formula of the board of trustees of the Idaho district boards of health as provided in Section 39-411(6), Idaho Code.

SECTION 8. In addition to any other appropriation provided by law, there is hereby appropriated to the Department of Health and Welfare for the Physical Health Services Program \$406,000 from the Idaho Millennium Income Fund to be expended for operating expenditures for the period July 1, 2024, through June 30, 2025, for the purpose of Project Filter.

SECTION 9. DEPARTMENT OF EDUCATION REAPPROPRIATION. There is hereby reappropriated to the State Department of Education any unexpended and unencumbered balances appropriated or reappropriated to the State Department of Education from the Idaho Millennium Income Fund for fiscal year 2024 to be used for nonrecurring expenditures for the period July 1, 2024, through June 30, 2025. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 10. HEALTH AND WELFARE REVERSIONS. Notwithstanding any law to the contrary, at the close of fiscal year 2024, or as soon thereafter as practicable, up to \$12,000,000 of any unexpended and unencumbered funds appropriated from the Cooperative Welfare (General) Fund to the Department of Health and Welfare shall be transferred to the Idaho Millennium Income Fund. Any unexpended and unencumbered funds from the Cooperative Welfare (General) Fund over \$12,000,000 appropriated to the Department of Health and Welfare shall be transferred to the General Fund or other fund as provided for by law at the close of fiscal year 2024 or as soon thereafter as practicable.

SECTION 11. USES OF THE IDAHO MILLENNIUM INCOME FUND. The Joint Millennium Fund Committee, pursuant to Section 67-1808(6), Idaho Code, recommends that all moneys available for appropriation from the Idaho Millennium Income Fund beginning in fiscal year 2024 and each year thereafter be prioritized for programs that focus on prevention, cessation, and treatment related to tobacco, vape, alcohol, illegal substances, and other substances that may be abused beyond the intended uses and for the overall safety and well-being of Idaho youth. Funding should be prioritized first to programs that benefit Idahoans less than 18 years of age and then for adults with higher risk factors for abusing or using various substances described in this section. After fiscal year 2025, it is the intent of the Joint Millennium Fund Committee that no moneys from the Idaho Millennium Income Fund be used for the payment of Medicaid claims. In accordance with the priorities of this section, any requested funds not already an ongoing appropriation in fiscal year 2024 shall be presented in the Legislative Budget Book as a request for new onetime appropriation in the Idaho Millennium Fund Program and not in the respective agency budgets. Consistent with Section 67-1806, Idaho Code, the Joint Millennium Fund Committee shall be responsible for the official recommendation on the uses of the Idaho Millennium Income Fund.

SECTION 12. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved March 25, 2024

CHAPTER 194
(H.B. No. 465)

AN ACT

RELATING TO CRIMES AGAINST CHILDREN; AMENDING SECTION 18-1507, IDAHO CODE, TO DEFINE A TERM, TO REVISE A DEFINITION, TO PROVIDE IMMUNITY FOR LAW ENFORCEMENT OFFICERS IN CERTAIN INSTANCES, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 18-1507A, IDAHO CODE, TO REVISE CODE REFERENCES; AMENDING CHAPTER 15, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-1507C, IDAHO CODE, TO PROVIDE FOR THE CRIME OF VISUAL REPRESENTATIONS OF THE SEXUAL ABUSE OF CHILDREN, TO PROVIDE A PENALTY, TO PROVIDE THAT A CERTAIN ELEMENT OF THE CRIME IS NOT REQUIRED, TO PROVIDE AN AFFIRMATIVE DEFENSE, TO PROVIDE AN EXEMPTION, AND TO DEFINE TERMS; AMENDING SECTION 67-1401, IDAHO CODE, TO REVISE PROVISIONS REGARDING A CERTAIN DUTY OF THE ATTORNEY GENERAL AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-1410, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE INTERNET CRIMES AGAINST CHILDREN UNIT; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 18-1507, Idaho Code, be, and the same is hereby amended to read as follows:

18-1507. DEFINITIONS -- SEXUAL EXPLOITATION OF A CHILD -- PENALTIES. (1) As used in this section, unless the context otherwise requires:

- (a) "Bestiality" means a sexual connection in any manner between a human being and any animal.
- (b) "Child" means a person who is less than eighteen (18) years of age.

(c) "Erotic fondling" means touching a person's clothed or unclothed genitals or pubic area, developing or undeveloped genitals or pubic area (if the person is a child), buttocks, breasts (if the person is a female), or developing or undeveloped breast area (if the person is a female child), for the purpose of real or simulated overt sexual gratification or stimulation of one (1) or more of the persons involved. "Erotic fondling" shall not be construed to include physical contact, even if affectionate, which that is not for the purpose of real or simulated overt sexual gratification or stimulation of one (1) or more of the persons involved.

(d) "Erotic nudity" means the display of the human male or female genitals or pubic area, the undeveloped or developing genitals or pubic area of the human male or female child, the human female breasts, or the undeveloped or developing breast area of the human female child, for the purpose of real or simulated overt sexual gratification or stimulation of one (1) or more of the persons involved.

(e) "Explicit sexual conduct" means sexual intercourse, erotic fondling, erotic nudity, masturbation, sadomasochism, sexual excitement, or bestiality.

(f) "Identifiable child:"

(i) Means a person:

1. Who was a child at the time the visual material was created, adapted, or modified or whose image as a child was used in creating, adapting, or modifying the visual material; and
 2. Who is recognizable as an actual person by the person's face, likeness, or other distinguishing characteristic, such as a unique birthmark or other recognizable feature;
- and

(ii) Shall not be construed to require proof of the actual identity of the identifiable child.

(g) "Law enforcement officer" means any court personnel, sheriff, constable, peace officer, state police officer, correctional officer, probation officer, parole officer, prosecuting attorney, or attorney general, or their employees.

~~(f)~~ (h) "Masturbation" means the real or simulated touching, rubbing, or otherwise stimulating of a person's own clothed or unclothed genitals or pubic area, developing or undeveloped genitals or pubic area (if the person is a child), buttocks, breasts (if the person is a female), or developing or undeveloped breast area (if the person is a female child), by manual manipulation or self-induced or with an artificial instrument, for the purpose of real or simulated overt sexual gratification or arousal of the person.

~~(g)~~ (i) "Sadomasochism" means:

- (i) Real or simulated flagellation or torture for the purpose of real or simulated sexual stimulation or gratification; or
- (ii) The real or simulated condition of being fettered, bound, or otherwise physically restrained for sexual stimulation or gratification of a person.

~~(h)~~ (j) "Sexual excitement" means the real or simulated condition of human male or female genitals when in a state of real or simulated overt sexual stimulation or arousal.

~~(i)~~ (k) "Sexual intercourse" means real or simulated intercourse, whether genital-genital, oral-genital, anal-genital, or oral-anal, between persons of the same or opposite sex, or between a human and an animal, or with an artificial genital.

~~(j)~~ (1) "Sexually exploitative material" means any image, photograph, motion picture, video, print, negative, slide, or other mechanically, electronically, digitally or chemically produced or reproduced or computer-generated visual material ~~which shows where such visual material:~~

(i) Shows a child engaged in, participating in, observing, or being used for explicit sexual conduct, or showing a child engaging in, participating in, observing or being used for explicit sexual conduct, in actual time, including ~~but not limited to~~ video chat, webcam sessions or video calling; or

(ii) Has been created, adapted, or modified to appear that an identifiable child is engaging in, participating in, observing, or being used for explicit sexual conduct.

(2) A person commits sexual exploitation of a child if he knowingly and willfully:

(a) Possesses or accesses through any means, including but not limited to ~~the internet~~, any sexually exploitative material; or

(b) Causes, induces or permits a child to engage in, or be used for, any explicit sexual conduct for the purpose of producing or making sexually exploitative material; or

(c) Promotes, prepares, publishes, produces, makes, finances, offers, exhibits or advertises any sexually exploitative material; or

(d) Distributes through any means, including but not limited to ~~mail~~, physical delivery or exchange, use of a computer or any other electronic or digital method, any sexually exploitative material. Distribution of sexually exploitative material does not require a pecuniary transaction or exchange of interests in order to complete the offense.

(3) The sexual exploitation of a child pursuant to subsection (2) (a) of this section is a felony and shall be punishable by imprisonment in the state prison for a period not to exceed ten (10) years or by a fine not to exceed ten thousand dollars (\$10,000), or by both such imprisonment and fine.

(4) The sexual exploitation of a child pursuant to subsections (2) (b), (c), and (d) of this section is a felony and shall be punishable by imprisonment in the state prison for a term not to exceed thirty (30) years or by a fine not to exceed fifty thousand dollars (\$50,000) or by both such fine and imprisonment.

(5) Notwithstanding any other provisions of this section, a person eighteen (18) years of age or older who is found to be in knowing and willful possession of content created and distributed under circumstances defined in section 18-1507A(1) or (2), Idaho Code, is guilty of a misdemeanor provided that:

(a) The minor depicted in the content distributed the content in such a way that the minor intended the person found to be in possession to receive it;

(b) The minor depicted in the content is not greater than three (3) years younger than the person found to be in possession; and

(c) The person found to be in possession of the content did not use coercion, manipulation or fraud to obtain possession of the content.

(6) Subsection (2) (a), (c), and (d) of this section shall not be construed to impose criminal or civil liability on law enforcement officers acting in good faith and in the course and scope of their official duties.

~~(6)~~ (7) If any provision of this section or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this section ~~which~~ that can be given effect without the invalid provision or application, and to this end the provisions of this section are declared to be severable.

SECTION 2. That Section 18-1507A, Idaho Code, be, and the same is hereby amended to read as follows:

18-1507A. SEXUAL EXPLOITATION OF A CHILD BY ELECTRONIC MEANS. (1) A minor child who, without being induced by coercion, manipulation or fraud, creates or causes to be created any photographic, electronic or video content of said minor child that would be characterized under any of the classifications defined in section 18-1507(1)(~~e~~ through ~~j~~), Idaho Code, and knowingly and willfully distributes it to another person or persons through electronic or other means or causes it to appear in a form where the distributing minor has reason to believe another will view it is guilty of a misdemeanor provided that the image was communicated in a form that there was a single recipient.

(2) A minor child who, without being induced by coercion, manipulation or fraud, creates or causes to be created any photographic, electronic or video content of said minor child that would be characterized under any of the classifications defined in section 18-1507(1)(~~e~~ through ~~j~~), Idaho Code, and knowingly and willfully distributes it in such a way and through such a medium that the minor intended or had reason to believe that multiple parties would receive or have access to the image:

- (a) Is guilty of a misdemeanor on the first adjudicated offense; and
- (b) Is guilty of a felony on the second or subsequent adjudicated offense.

(3) A minor who is found to be in knowing and willful possession of the content created and sent as described in subsection (1) or (2) of this section is guilty of a misdemeanor if the content depicts a minor who is not greater than three (3) years younger than the minor who is found to be in possession. A minor who is found to be in knowing and willful possession of content described in this subsection that depicts a minor greater than three (3) years younger than themselves is guilty of a violation of section 18-1507(2)(a), Idaho Code.

(4) A minor who is found to be in possession of content described in subsection (1) or (2) of this section who knowingly and willfully transmits or displays the image to one (1) or more third parties:

- (a) Is guilty of a misdemeanor on the first adjudicated offense; and
- (b) Is guilty of a felony on any second or subsequent adjudicated offense.

(5) A minor who receives content under circumstances described in subsection (1) or (2) of this section and distributes or threatens to distribute the image for the purposes of coercing any action, causing any embarrassment or otherwise controlling or manipulating the sender is guilty of a felony.

(6) A minor who receives content under circumstances described in subsection (1) or (2) of this section and distributes the image to a parent, guardian, one having custody of the minor or a law enforcement official for the purpose of reporting the activity is not guilty of a crime under the provisions of this section.

(7) Proceedings for a violation of the provisions of this section shall fall under the jurisdiction of the juvenile corrections act pursuant to section 20-505(1), Idaho Code.

SECTION 3. That Chapter 15, Title 18, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 18-1507C, Idaho Code, and to read as follows:

18-1507C. VISUAL REPRESENTATIONS OF THE SEXUAL ABUSE OF CHILDREN. (1) A person commits a felony if he knowingly produces, distributes, receives, possesses, or accesses a visual depiction, including a video or image created using generative AI or machine learning, that:

- (a) Depicts a child engaging in explicit sexual conduct; and
- (b) Is obscene.

(2) A person who violates subsection (1) of this section is guilty of a felony and shall be punishable by imprisonment in the state prison for a period not to exceed five (5) years or by a fine not to exceed five thousand dollars (\$5,000), or by both such imprisonment and fine.

(3) It shall not be a required element of a violation of subsection (1) of this section that the child depicted actually exists.

(4) It shall be an affirmative defense to a charge of receiving or possessing a visual depiction in violation of subsection (1) of this section that the defendant:

- (a) Possessed or received five (5) or fewer such visual depictions; and
- (b) Promptly and in good faith, and without retaining or allowing any person, other than a law enforcement agency, to access any such visual depiction:

- (i) Took reasonable steps to destroy each such visual depiction; or
- (ii) Reported the matter to a law enforcement agency and afforded that agency access to each such visual depiction.

(5) The provisions of this section shall not be construed to impose criminal or civil liability on law enforcement officers acting in good faith and in the course and scope of their official duties.

(6) As used in this section:

- (a) "Child" means a person who is less than eighteen (18) years of age.
- (b) "Explicit sexual conduct" is as defined in section 18-1507, Idaho Code.
- (c) "Generative AI" means any algorithm or model that creates content such as text, images, audio, or video.
- (d) "Law enforcement officer" means any court personnel, sheriff, constable, peace officer, state police officer, correctional officer, probation officer, parole officer, prosecuting attorney, or attorney general, or their employees.
- (e) "Machine learning" means the use of algorithms to enable a computer to learn to perform tasks by analyzing a large dataset without being explicitly programmed.

(f) The requirement that the visual depiction must be "obscene" as provided in subsection (1) (b) of this section shall require the state to prove that subparagraphs (i), (ii), and (iii) of this paragraph apply to the visual depiction and that the defendant knew the general content, character, and nature of the visual depiction. It is not necessary for the state to prove that the defendant knew or believed the visual depiction to be legally obscene. A visual depiction is "obscene" when:

- (i) The average person, applying contemporary community standards, would find that the visual depiction, taken as a whole, is in some way erotic and appeals to a degrading, unhealthy, or morbid interest in sex as distinguished from normal, healthy sexual desires;
- (ii) The average person, applying contemporary community standards, would find that the visual depiction depicts ultimate sexual acts, excretory functions, masturbation, or lewd exhibition of the genitals in a patently offensive way; and
- (iii) A reasonable person would find that the material, taken as a whole, lacks serious literary, artistic, political, or scientific value.

(g) "Visual depiction" includes undeveloped film and videotape, and data stored on a computer disk or by electronic means that is capable of conversion into a visual image, and also includes any photograph, film, video, picture, digital image or picture, computer image or picture, or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means or created by generative AI or machine learning.

SECTION 4. That Section 67-1401, Idaho Code, be, and the same is hereby amended to read as follows:

67-1401. DUTIES OF ATTORNEY GENERAL. Except as otherwise provided in this chapter, it is the duty of the attorney general:

(1) To perform all legal services for the state and to represent the state and all departments, agencies, offices, officers, boards, commissions, institutions and other state entities in all courts and before all administrative tribunals or bodies of any nature. Representation shall be provided to those entities exempted pursuant to the provisions of section 67-1406, Idaho Code. Whenever required to attend upon any court or administrative tribunal, the attorney general shall be allowed necessary and actual expenses, all claims for which shall be audited by the state board of examiners.

(2) To advise all departments, agencies, offices, officers, boards, commissions, institutions and other state entities in all matters involving questions of law.

(3) After judgment in any of the causes referred to in this chapter, to direct the issuing of such process as may be necessary to carry the same into execution.

(4) To account for and pay over to the proper officer all moneys received that belong to the state.

(5) To enforce the Idaho charitable solicitation act, chapter 12, title 48, Idaho Code, and the Idaho nonprofit hospital sale or conversion act, chapter 15, title 48, Idaho Code; to supervise charitable organizations, as such term is defined in section 48-1903(4), Idaho Code; and to enforce whenever necessary any noncompliance or departure from the charitable purpose of such charitable organizations as set forth and provided in chapter 19, title 48, Idaho Code.

(6) To give an opinion in writing, without fee, to the legislature or either house thereof, or any senator or representative, and to the governor, secretary of state, treasurer, state controller, and the superintendent of public instruction, when requested, upon any question of law relating to their respective offices. The attorney general shall keep a record of all written opinions rendered by the office and such opinions shall be compiled annually and made available for public inspection. All costs incurred in the preparation of said opinions shall be borne by the office of the attorney general. A copy of the opinions shall be furnished to the supreme court and to the state librarian.

(7) When required by the public service, to repair to any county in the state and assist the prosecuting attorney thereof in the discharge of duties.

(8) To bid upon and purchase, when necessary, in the name of the state, and under the direction of the state controller, any property offered for sale under execution issued upon judgments in favor of or for the use of the state and to enter satisfaction in whole or in part of such judgments as the consideration for such purchases.

(9) Whenever the property of a judgment debtor in any judgment mentioned in subsection (8) of this section has been sold under a prior judgment, or is subject to any judgment, lien, or encumbrance, taking precedence of the judgment in favor of the state, under the direction of the state controller, to redeem such property from such prior judgment, lien, or encumbrance; and all sums of money necessary for such redemption must, upon the order of the board of examiners, be paid out of any money appropriated for such purposes.

(10) When necessary for the collection or enforcement of any judgment hereinbefore mentioned, to institute and prosecute, in behalf of the state, such suits or other proceedings as may be necessary to set aside and annul all conveyances fraudulently made by such judgment debtors; the cost necessary to the prosecution must, when allowed by the board of examiners, be paid out of any appropriations for the prosecution of delinquents.

(11) To exercise all the common law power and authority usually appertaining to the office and to discharge the other duties prescribed by law.

(12) To report to the governor the condition of the affairs of the attorney general's office and of the reports received from prosecuting attorneys.

(13) To appoint deputy attorneys general and special deputy attorneys general and other necessary staff to assist in the performance of the duties of the office. Such deputies and staff shall be nonclassified employees within the meaning of section 67-5302, Idaho Code.

(14) To establish a medicaid fraud control unit pursuant to the provisions of section 56-226, Idaho Code, and to exercise concurrent investigative and prosecutorial authority and responsibility with county prosecutors to prosecute persons for the violation of the criminal provisions of chapter 2, title 56, Idaho Code, and for criminal offenses that are not defined in said chapter 2, title 56, Idaho Code, but that involve or are directly related to the use of medicaid program funds or services provided through the medicaid program.

(15) To seek injunctive and any other appropriate relief as expeditiously as possible to preserve the rights and property of the residents of the state of Idaho and to defend as necessary the state of Idaho, its officials, employees, and agents in the event that any law or regulation violating the public policy set forth in the Idaho health freedom act, chapter 90, title 39, Idaho Code, is enacted by any government, subdivision, or agency thereof.

(16) To establish an internet crimes against children unit (ICAC) pursuant to the provisions of section 67-1410, Idaho Code, and to exercise concurrent investigative and prosecutorial authority and responsibility with county prosecutors to prosecute persons for the violation of the criminal provisions of sections 18-1507, 18-1507A, 18-1507C, 18-1509A, 18-1513 and 18-1515, Idaho Code, ~~which may also encompass criminal offenses that are not defined in said sections but that involve or are directly related to child pornography and solicitation of minors for pornography, prostitution or sex-related offenses.~~

(17) To respond to allegations of violation of state law by elected county officers, to investigate such claims, to issue appropriate findings and to refer such cases for further investigation and prosecution pursuant to section 31-2002, Idaho Code.

(18) To establish a sobriety and drug monitoring program to reduce the number of people on Idaho's highways who drive under the influence of alcohol or drugs, to reduce the number of repeat offenders for certain offenses in which the abuse of alcohol or drugs was a contributing factor, and to increase pretrial and posttrial options for prosecutors and judges in responding to repeat DUI offenders and offenders for certain crimes in which the abuse of alcohol or drugs was a contributing factor in the commission of the crime; and to adopt such rules and establish such fees as are necessary for the operation of said program, as set forth by law.

SECTION 5. That Section 67-1410, Idaho Code, be, and the same is hereby amended to read as follows:

67-1410. INTERNET CRIMES AGAINST CHILDREN UNIT. (1) There is hereby established in the office of the attorney general the internet crimes against children unit (ICAC) that shall have the authority and responsibilities as set forth in this section.

(2) The ICAC shall have the authority and responsibility to conduct a statewide program for the investigation and prosecution of violations of all applicable Idaho laws that involve or are directly related to child pornography and solicitation of minors for pornography, prostitution or sex-related offenses the criminal provisions of sections 18-1507, 18-1507A, 18-1507C, 18-1509A, 18-1513, and 18-1515, Idaho Code.

(3) The ICAC shall be under the exclusive control of the attorney general.

(4) The attorney general may request and receive the assistance of, and may enter into written agreements with, any prosecutor or law enforcement agency as necessary to implement the duties and responsibilities assigned to the ICAC under this section. This will include contracting for the assistance of law enforcement personnel in the investigation of any violation of any applicable laws pertaining to child pornography and solicitation of minors for pornography, prostitution or sex-related offenses the criminal provisions of sections 18-1507, 18-1507A, 18-1507C, 18-1509A, 18-1513, and 18-1515, Idaho Code. The attorney general may renew, suspend or revoke any ICAC agreement with a law enforcement agency at any time.

(5) The attorney general shall have the authority to designate ICAC task force agents. ICAC task force agents shall be commissioned law enforcement officers employed by law enforcement agencies.

(a) The designation of an ICAC task force agent is not an act of employment by the office of the attorney general.

(b) ICAC task force agents serve solely at the discretion and will of the attorney general and designation as an ICAC task force agent is not a property right to which due process applies.

(6) Designated ICAC task force agents shall have general peace officer powers and the authority to arrest individuals throughout the state for the purpose of investigation of internet the crimes committed against children set forth under this section.

(7) The office of the attorney general shall employ such attorneys, investigators and other personnel as necessary to carry out the responsibilities of the ICAC as set forth under this section.

(8) The attorney general shall have the authority to adopt rules necessary to implement the duties and responsibilities assigned to the ICAC under this section.

SECTION 6. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved March 25, 2024

CHAPTER 195
(S.B. No. 1244)

AN ACT

RELATING TO ELECTIONS; AMENDING SECTION 18-2318, IDAHO CODE, TO PROHIBIT ELECTIONEERING AT CERTAIN POLLING PLACES, TO PROVIDE CERTAIN EXCEPTIONS, TO PROVIDE PROVISIONS FOR ENFORCEMENT, AND TO REVISE PROVISIONS REGARDING PENALTIES FOR VIOLATIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 18-2318, Idaho Code, be, and the same is hereby amended to read as follows:

18-2318. ELECTIONEERING AT POLLS PROHIBITED. (1) On the day of any primary, general or special election, no person may, within a polling place, or any building in which an election is being held, or within one hundred (100) feet thereof: In order to protect the freedom of voters to exercise their franchise without interference or intimidation and to ensure the administration of an election at any polling place is undisturbed, the provisions of this section shall apply on any day that ballots are being cast in person for any election.

(2) (a) No person may, within a polling place, within any building in which an election is being held, or within two hundred fifty (250) feet of the primary entrance and exit used by voters at a polling place or other voting location:

(a) (i) Do any electioneering;

(b) (ii) Circulate cards or handbills of any kind;

(c) (iii) Solicit signatures to any kind of petition; or

(iv) Advocate for or against any candidate or measure;

(v) Solicit votes in any manner or by any means;

(vi) Give or offer to give any money or gifts; or

(d) (vii) Engage in any practice which that interferes with the freedom of voters to exercise their franchise or disrupts the administration of the polling place.

(b) The restrictions set forth in this subsection shall not apply to conduct occurring on private property located adjacent to a building designated as a polling place.

~~(2) (3)~~ No person may obstruct the doors or entries to a building in which a polling place is located or prevent free access to and from any polling place.

~~(3) Any election officer, sheriff, constable or other peace officer is hereby authorized, and it is hereby made the duty of such officer, to arrest any person violating the provisions of subsections (1) and (2) of this section, and such offender shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor exceeding one thousand dollars (\$1,000).~~

(4) Nothing in this section shall be construed to prohibit poll workers and elections officials from being physically present at a voting location, distributing material that is necessary to instruct electors, or distributing materials prepared by the secretary of state or by the county clerk.

(5) Any election official may take the necessary steps to address electioneering, including but not limited to the removal of physical materials, addressing individuals deemed to be electioneering, or contacting law enforcement.

(6) The first two (2) violations of this section by a person shall be deemed an infraction punishable by a fine in the amount of three hundred dollars (\$300) for each such violation. Any person who violates this section three (3) or more times is guilty of a misdemeanor.

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

Approved March 26, 2024

CHAPTER 196
(H.B. No. 654)

AN ACT

RELATING TO THE STATE BOARD OF CORRECTION; AMENDING SECTION 20-242, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING PRISONERS WHO SECURE EMPLOYMENT WITH A PRIVATE EMPLOYER AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 20-242, Idaho Code, be, and the same is hereby amended to read as follows:

20-242. FURLOUGH. ~~1.~~ (1) When a person is committed to the custody of the state board of correction, the board may, upon conditions which it may impose, direct that the person be permitted to continue in his regular employment, work project, or educational program, if that is compatible with the requirements of subsection (3) of this section, or may authorize the person to secure employment for himself.

~~2.~~ (2) If the board directs that the prisoner be permitted to continue in his regular employment or education, the board shall arrange for a continuation of the employment or education so far as possible without interruption. If the prisoner does not have regular employment, and the board has authorized the prisoner to secure employment for himself, the prisoner may do so, and the board may assist him in doing so. A prisoner who secures employment with a private employer shall receive the same salary range offered to other similarly situated employees based on experience, education, and other qualifications. An employed prisoner shall have available to him all the benefits offered to other similarly situated employees, such as health care benefits, paid leave, flexible spending accounts, and life insurance. If an employed prisoner elects to participate in an optional benefit, he shall have the same financial responsibility as his coworkers to pay for insurance premiums and copayments for services received. Employed prisoners who elect private health insurance shall list the board as a secondary payer.

~~3.~~ (3) Whenever the prisoner is not employed and between the hours or periods of employment, work project, or schooling, he shall be domiciled in a jail, facility, or residence as directed by the board of correction.

~~4.~~ (4) The earnings of the prisoner shall be retained by the prisoner under such terms and conditions as the board may impose. From such earnings the board may require that:

- ~~a.~~ (a) The prisoner pay an amount to the board of correction sufficient for the prisoner's board and personal expenses, both inside and outside the jail, facility, or residence, including costs of administering such prisoner's work furlough program;
- ~~b.~~ (b) The prisoner provide for the reasonable and adequate support and maintenance of the prisoner's dependents;
- ~~c.~~ (c) The prisoner pay preexisting debts;
- ~~d.~~ (d) The prisoner deposit earnings in a financial institution.

5. (5) If the prisoner violates the conditions established for his conduct, custody or employment, the board may order the balance of the prisoner's sentence to be spent in actual confinement.

6. (6) The ~~wilful~~ willful failure of a prisoner to return to the place of confinement ~~not~~ no later than the expiration of any period during which he is authorized to be away from the place of confinement under this section is an escape from the place of confinement and is punishable as provided by section 18-2505, Idaho Code.

7. (7) A furlough may be revoked by the board at any time without notice or hearing.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved March 26, 2024

CHAPTER 197
(H.B. No. 698)

AN ACT

RELATING TO THE APPROPRIATION TO THE OFFICE OF THE STATE BOARD OF EDUCATION; APPROPRIATING ADDITIONAL MONEYS TO THE OFFICE OF THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 2025; AUTHORIZING ADDITIONAL FULL-TIME EQUIVALENT POSITIONS; PROVIDING REAPPROPRIATION AUTHORITY FOR THE GENERAL FUND; PROVIDING REAPPROPRIATION AUTHORITY FOR THE COVID-19 RELIEF FUND; PROVIDING REAPPROPRIATION AUTHORITY FOR THE AMERICAN RESCUE PLAN FUND; APPROPRIATING ADDITIONAL MONEYS TO THE OFFICE OF THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 2024; AND DECLARING AN EMERGENCY AND PROVIDING EFFECTIVE DATES.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the Office of the State Board of Education the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2024, through June 30, 2025:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. OSBE ADMINISTRATION:					
FROM:					
General					
Fund	\$585,900	\$18,200		\$250,000	\$854,100
In-Demand Careers					
Fund	264,500	12,000	\$9,000		285,500
Miscellaneous Revenue					
Fund	<u>2,000</u>	<u>126,400</u>	<u>0</u>	<u>0</u>	<u>128,400</u>
TOTAL	\$852,400	\$156,600	\$9,000	\$250,000	\$1,268,000

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
II. IT AND DATA MANAGEMENT:					
FROM:					
General					
Fund	\$269,800	\$7,500	\$6,000		\$283,300
III. SCHOOL SAFETY AND SECURITY PROGRAM:					
FROM:					
General					
Fund	\$121,200	\$2,500	\$3,000		\$126,700
Miscellaneous Revenue/ School Security Assessment					
Fund	<u>4,900</u>	<u>0</u>	<u>30,000</u>		<u>34,900</u>
TOTAL	\$126,100	\$2,500	\$33,000		\$161,600
GRAND TOTAL	\$1,248,300	\$166,600	\$48,000	\$250,000	\$1,712,900

SECTION 2. FTP AUTHORIZATION. In addition to any other authorization provided by law, the full-time equivalent position authorization provided to the Office of the State Board of Education is hereby increased by ten (10.00) for the period July 1, 2024, through June 30, 2025.

SECTION 3. GENERAL FUND REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Office of the State Board of Education any unexpended and unencumbered balances appropriated or reappropriated to the Office of the State Board of Education for fiscal year 2024 in an amount not to exceed \$15,000 from the General Fund to be used for nonrecurring expenditures related to the School Facilities Safety and Security Grants for the period July 1, 2024, through June 30, 2025. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 4. FEDERAL COVID-19 RELIEF FUND REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Office of the State Board of Education any unexpended and unencumbered balances appropriated or reappropriated to the Office of the State Board of Education for fiscal year 2024 in an amount not to exceed \$19,800,000 from the Federal Covid-19 Relief Fund to be used for nonrecurring expenditures related to the expenditures to rebuild Idaho System for Education Excellence for the period July 1, 2024, through June 30, 2025. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 5. AMERICAN RESCUE PLAN FUND REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Office of the State Board of Education any unexpended and unencumbered balances reappropriated to the Office of the State Board of Education for fiscal year 2024 in an amount not to exceed \$27,434,700 from the American Rescue Plan Fund to be used for nonrecurring expenditures related to the expenditures to rebuild Idaho System for Education Excellence for the period July 1, 2024, through June 30, 2025. The Office of the State Controller shall confirm the reappropriation amount, by

fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 6. In addition to the appropriation made in Section 1, Chapter 262, Laws of 2023, and any other appropriation provided by law, there is hereby appropriated to the Office of the State Board of Education for the OSBE Administration Program \$30,800 from the Miscellaneous Revenue Fund to be expended for operating expenditures for the period July 1, 2023, through June 30, 2024, for the purpose of building a direct admissions program.

SECTION 7. An emergency existing therefor, which emergency is hereby declared to exist, Section 6 of this act shall be in full force and effect on and after passage and approval, and Sections 1 through 5 of this act shall be in full force and effect on and after July 1, 2024.

Approved March 26, 2024

CHAPTER 198
(H.B. No. 665)

AN ACT

RELATING TO PUBLIC MONEY INVESTMENTS; AMENDING CHAPTER 12, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-1210C, IDAHO CODE, TO PROVIDE LEGISLATIVE INTENT, TO ESTABLISH PROVISIONS REQUIRING A REPORT OF PUBLIC MONEYS INVESTED IN FOREIGN ADVERSARIES, AND TO DEFINE TERMS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 12, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-1210C, Idaho Code, and to read as follows:

67-1210C. REPORT OF CERTAIN INVESTMENTS. (1) It is the intent of the legislature that the state of Idaho's public investment dollars are not put at risk in countries of concern and do not fund the development of the military technologies and surveillance tools of foreign adversaries that impede the furthering of the state of Idaho's interests and the interests of the United States.

(2) The state treasurer shall compile and prepare a report of the total dollar amount of state moneys in state-managed funds that are invested in any foreign adversary, state-owned enterprise of a foreign adversary, company domiciled within a foreign adversary, or company owned or controlled by a foreign adversary, state-owned enterprise of a foreign adversary, company domiciled within a foreign adversary, or other entity within a foreign adversary, as of June 30, 2024.

(3) In preparing the report, the state treasurer shall include not only the state investment funds managed by the state treasurer but also any state investment funds managed by any other state entity, including but not limited to the Idaho bond bank authority, the endowment fund investment board, the municipal bond bank authority, the Idaho housing and finance association, and the public employee retirement system of Idaho retirement board. All such entities shall cooperate with the state treasurer in providing the dollar amounts requested by the state treasurer no later than January 10, 2025.

(4) The state treasurer shall submit the report to the governor, the president pro tempore of the senate, the speaker of the house of representatives, and the director of the legislative services office on or before January 31, 2025.

(5) For the purposes of this section:

(a) "Company" means any sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, limited liability company, or other entity or business association, including wholly owned subsidiaries, majority-owned subsidiaries, parent companies, or affiliates of those entities or business associations, that exist for the purpose of making profit.

(b) "Domicile" means the country in which a company is registered, where the company's affairs are primarily completed, or where the majority of ownership share is held.

(c) "Foreign adversary" means the People's Republic of China, the Russian Federation, the Islamic Republic of Iran, the Democratic People's Republic of Korea, the Republic of Cuba, the Venezuelan regime of Nicolás Maduro, or the Syrian Arab Republic, or any other entity deemed by the governor in consultation with the adjutant general. The governor and adjutant general may also seek the advice of the United States secretary of state, United States secretary of defense, or the United States secretary of homeland security.

(d) "Investment" means any transfer of funds in any active or passive, direct or indirect structure that seeks to generate revenue or accomplish any other gain, including nonmonetary gain.

(e) "Official government capacity" means any role, elected or appointed, in a government or its subsidiaries.

(f) "State-managed fund" means any short-term or long-term investment structure that is state-managed, state-run, state-controlled, or otherwise overseen by the state of Idaho, a state agency, state bond bank authority, or any other state entity established by law, in which the state has primary discretion over or a vested interest in. The term includes but is not limited to any fund that is subject to the purview or direction of the state of Idaho and is populated wholly or in part with state funds, but is managed by a third-party entity, such as a fiduciary. Such funds include, but are not limited to:

(i) Public pension funds, public retirement funds, or other state-sponsored funds that are sponsored, maintained, or contributed to or required to be contributed to by the state of Idaho;

(ii) Endowment funds; and

(iii) University or college endowments, trusts, or other structures that constitute, wholly or in part, a public institution of higher education's investable assets.

(g) "State-owned enterprise" means any company owned or controlled, in whole or in part, by a government or by individuals acting in official government capacities in any form.

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

Approved March 26, 2024

CHAPTER 199
(S.B. No. 1235)

AN ACT

RELATING TO PUBLIC LIBRARY DISTRICT TRUSTEES; AMENDING SECTION 33-2715, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE TERMS OF OFFICE FOR PUBLIC LIBRARY DISTRICT TRUSTEES; AMENDING SECTION 33-2718, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE TERMS OF OFFICE FOR PUBLIC LIBRARY DISTRICT TRUSTEES USING TRUSTEE ZONES; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 33-2715, Idaho Code, be, and the same is hereby amended to read as follows:

33-2715. BOARD OF TRUSTEES -- SELECTION -- NUMBER -- QUALIFICATIONS -- TERM -- OATH -- APPOINTMENT OF FIRST BOARD. (1) Each library district shall be governed by a board of trustees of five (5) members elected or appointed as provided by law, who at the time of their selection and during their terms of office shall be qualified electors of the district and if trustee zones have been established under section 33-2718, Idaho Code, shall be a resident of the trustee zone. Trustees shall be elected at each trustee election, held on the uniform election date in May. The regular term of a trustee shall be for ~~six (6)~~ four (4) years, or until his successor has been elected and qualified. Within ten (10) days after his appointment an appointed trustee shall qualify and assume the duties of his office. An elected trustee shall qualify and assume the duties of his office at the annual meeting. All trustees qualify by taking the oath of office required of state officers, to be administered by one (1) of the present trustees or by a trustee retiring.

(2) Following the initial establishment of a library district, the board of county commissioners of the home county within five (5) days shall appoint the members of the first board of trustees, who shall serve until the next election of trustees held in an odd-numbered year or until their successors are elected and qualified in an odd-numbered year. ~~The initial election of trustees shall be for terms of four (4) years for two (2) trustees and thereafter their terms shall be for six (6) years, terms of six (6) years for two (2) trustees and thereafter their terms shall be for six (6) years, and a term of two (2) years for one (1) trustee and thereafter the term shall be for six (6) years. The initial election of three (3) trustees shall be for terms of two (2) years, and subsequent regular terms shall be for four (4) years. The initial and subsequent election of two (2) trustees shall be for terms of four (4) years.~~ Addition of new territory to an existing library district shall not be considered an initial establishment. The first board of trustees shall be sworn by a member of the board of county commissioners of the home county of the district.

(3) At its first meeting, and after each trustee election, the board shall organize and elect from its membership a chairman and other officers necessary to conduct the affairs of the district.

(4) Members of the board shall serve without salary but shall receive their actual and necessary expenses while engaged in business of the district.

(5) For the purpose of achieving an orderly transition ~~to~~ from terms of six (6) years and to hold trustee elections in odd-numbered to terms of four (4) years, the following schedule shall be followed:

~~(a) For trustees elected in 2005, their terms shall expire in 2011 and the terms for each of those elected in 2011 shall each be six (6) years and thereafter those terms shall be for six (6) years;~~

~~(b) For trustees elected in 2006, their terms shall expire in 2011 and the terms for each of those elected in 2011 shall each be six (6) years and thereafter those terms shall be for six (6) years;~~

~~(c) For trustees elected in 2007, their terms shall expire in 2013 and the terms for each of those elected in 2013 shall each be six (6) years and thereafter those terms shall be for six (6) years;~~

~~(d) For trustees elected in 2008, their terms shall expire in 2013 and the terms for each of those elected in 2013 shall each be six (6) years and thereafter those terms shall be for six (6) years;~~

~~(e) For trustees elected in 2009, their terms shall expire in 2015 and the terms for each of those elected in 2015 shall each be six (6) years and thereafter those terms shall be for six (6) years;~~

~~(f) For trustees elected in 2010, their terms shall expire in 2015 and the terms for each of those elected in 2015 shall be six (6) years and thereafter those terms shall be for six (6) years.~~

(a) Trustees elected in 2023 or earlier shall serve the remainder of the regular six (6) year term for which they were most recently elected; and

(b) Trustees elected in 2025 or later shall serve regular terms of four (4) years.

SECTION 2. That Section 33-2718, Idaho Code, be, and the same is hereby amended to read as follows:

33-2718. CREATION OF TRUSTEE ZONES. (1) Each library district may be divided into five (5) trustee zones with each zone having approximately the same population. To the maximum extent possible, boundaries of trustee zones shall follow the existing boundaries of the electoral precincts of the county. They shall be revised, as necessary, to equalize population and to follow new electoral precinct boundaries following the publication of the report of each decennial census. In order for a library district to be divided into trustee zones, the board of trustees shall pass a motion declaring the district to be divided into trustee zones and providing a legal description of each trustee zone. The board of trustees shall transmit the motion along with the legal description of the trustee zones to the board or boards of county commissioners in the county or counties where the library district is contained and to the board of library commissioners. The board or boards of county commissioners shall have forty-five (45) days from the receipt of the motion and legal description to reject, by adoption of a motion, the establishment of trustee zones proposed by formal motion of the board of trustees of the library district. If the board or boards of county commissioners do not reject the establishment of the trustee zones within the time limit specified, they shall be deemed to be in full force and effect. If a library district is contained in more than one (1) county, a motion of rejection adopted by one (1) board of county commissioners shall be sufficient to keep the trustee zone plan from going into effect. A board of county commissioners shall notify the library board of trustees in writing if a proposal is rejected.

(2) If a proposal for the establishment of trustee zones is rejected by a board of county commissioners, the boundaries of the trustee zones, if any, shall return to the dimensions they were before the rejection. Trustee zones may be redefined and changed, but not more than once every two (2) years after a new set of trustee zones are formally established and in full force and effect.

(3) At the next regular meeting of the board of trustees of the library district following the creation of trustee zones, the public library district board shall appoint from its membership or from other qualified electors resident in each trustee zone, a person from that zone to serve as a trustee until the next regularly scheduled trustee election from that zone, which election shall be held in an odd-numbered year. The initial and subsequent regular election of two (2) trustees for the trustee zones shall be for terms of four (4) years for two (2) trustees and thereafter their terms shall be for six (6) years, terms of six (6) years for two (2) trustees and thereafter their terms shall be for six (6) years, and a term of two (2) years for one (1) trustee and thereafter the term shall be for six (6) years, with each zone being. The initial election of three (3) trustees shall be for a term of two (2) years and thereafter the regular terms of office shall be for four (4) years. Each zone shall be assigned an initial term length by a random drawing of the numbers one (1) through five (5).

~~(4) For the purpose of achieving an orderly transition to terms of six (6) years and hold trustee elections in odd-numbered years, the following schedule shall be followed:~~

~~(a) For trustees elected in 2005, their terms shall expire in 2011 and the terms for each of those elected in 2011 shall each be six (6) years and thereafter those terms shall be for six (6) years;~~

~~(b) For trustees elected in 2006, their terms shall expire in 2011 and the terms for each of those elected in 2011 shall each be six (6) years and thereafter those terms shall be for six (6) years;~~

~~(c) For trustees elected in 2007, their terms shall expire in 2013 and the terms for each of those elected in 2013 shall each be six (6) years and thereafter those terms shall be for six (6) years;~~

~~(d) For trustees elected in 2008, their terms shall expire in 2013 and the terms for each of those elected in 2013 shall each be six (6) years and thereafter those terms shall be for six (6) years;~~

~~(e) For trustees elected in 2009, their terms shall expire in 2015 and the terms for each of those elected in 2015 shall each be six (6) years and thereafter those terms shall be for six (6) years;~~

~~(f) For trustees elected in 2010, their terms shall expire in 2015 and the terms for each of those elected in 2015 shall be six (6) years and thereafter those terms shall be for six (6) years.~~

SECTION 3. This act shall be in full force and effect on and after January 1, 2025.

Approved March 26, 2024

CHAPTER 200
(H.B. No. 686)

AN ACT

RELATING TO EMPLOYMENT SECURITY LAW; AMENDING SECTION 72-1366, IDAHO CODE, TO REQUIRE CERTAIN WORK SEARCH ACTIONS, TO PROVIDE ACCEPTABLE WORK SEARCH ACTIONS, TO REQUIRE THAT SUITABLE WORK BE ACCEPTED WITHIN A CERTAIN AMOUNT OF TIME, TO PROVIDE THAT A CERTAIN FAILURE TO APPEAR AT A JOB INTERVIEW SHALL CONSTITUTE A FAILURE TO APPLY FOR SUITABLE WORK, TO PROVIDE FOR THE REPORTING OF VIOLATIONS, TO PROVIDE FOR A GOOD CAUSE REASON FOR A FAILURE TO APPLY FOR WORK, AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 72-1366, Idaho Code, be, and the same is hereby amended to read as follows:

72-1366. PERSONAL ELIGIBILITY CONDITIONS. The personal eligibility conditions of a benefit claimant are that:

(1) The claimant shall have made a claim for benefits and provided all necessary information pertinent to eligibility.

(2) The claimant shall have registered for work and thereafter reported to a job service office or other agency in a manner prescribed by the director.

(3) The claimant shall have met the minimum wage requirements in his base period as provided in section 72-1367, Idaho Code.

(4) (a) During the whole of any week with respect to which he claims benefits or credit to his waiting period, the claimant was:

(i) Able to work, available for suitable work, and seeking work by conducting five (5) work search actions per week; provided, however, that no claimant shall be considered ineligible for failure to comply with the provisions of this subsection if:

1. Such failure is due to a claimant's illness or disability of ~~not~~ no more than four (4) weeks that arises after filing a claim, provided that during such illness or disability, the claimant does not refuse or miss suitable work that would have provided wages greater than one-half (1/2) of the claimant's weekly benefit amount; or

2. Such failure is due to compelling personal circumstances, provided that such failure does not exceed a minor portion of the claimant's workweek and during which time the claimant does not refuse or miss suitable work that would have provided wages greater than one-half (1/2) of the claimant's weekly benefit amount; and

(ii) Living in a state, territory, or country that is included in the interstate benefit payment plan or that is a party to an agreement with the United States or the director with respect to unemployment insurance.

(b) An action shall be considered an acceptable work search action pursuant to paragraph (a) of this subsection if it consists of one (1) or more of the following actions in any week:

(i) Completing an online or in-person job search workshop;

(ii) Completing a job search assessment, including but not limited to a personality, skills, or interests assessment;

(iii) Completing career direction research or work such as a job search plan or job search counseling;

(iv) Completing job search branding and marketing activities such as completing a resume, cover letter, master application, elevator pitch, LinkedIn profile, or uploading a completed resume to a job board allowing visibility to employers;

(v) Completing an online or in-person mock interview;

(vi) Taking a civil service exam;

(vii) Submitting a resume to an employer;

(viii) Completing and submitting a job application to an employer;

(ix) Attending and completing an interview or skills test with an employer; or

(x) Attending a job fair.

~~(b)~~ (c) If a claimant who is enrolled in an approved job training course pursuant to subsection (8) of this section fails to attend or otherwise participate in the job training course during any week with respect to which he claims benefits or credit to his waiting period, the claimant shall be ineligible for that week if he was not able to work nor available for suitable work, to be determined as follows: The claimant shall

be ineligible unless he is making satisfactory progress in the training and his failure to attend or otherwise participate was due to:

- (i) The claimant's illness or disability that occurred after he had filed a claim and the claimant missed fewer than one-half (1/2) of the classes available to him that week; or
- (ii) Compelling personal circumstances, provided that the claimant missed fewer than one-half (1/2) of the classes available to him that week.

~~(e)~~ (d) A claimant shall not be denied regular unemployment benefits under any provision of this chapter relating to availability for work, active search for work or refusal to accept work solely because the claimant is seeking only part-time work, if the department determines that a majority of the weeks of work in the claimant's base period were for less than full-time work. For the purpose of this subsection, "seeking only part-time work" is defined as seeking work that has comparable hours to the claimant's part-time work experience in the base period, except that a claimant must be available for at least twenty (20) hours of work per week.

(5) The claimant's unemployment is not due to the claimant voluntarily leaving employment without good cause connected with the claimant's employment or because of the claimant's discharge for misconduct in connection with the claimant's employment. The requirement that good cause for a voluntary leaving of employment be in connection with employment does not apply and good cause is shown where a claimant demonstrates that:

- (a) (i) The leaving was necessary to protect the claimant or any minor child of the claimant from domestic violence or the leaving was due to domestic violence that caused the claimant to reasonably believe that the claimant's continued employment would jeopardize the safety of the claimant or any minor child of the claimant; and
- (ii) The claimant made all reasonable efforts to preserve the employment; or

(b) The claimant is a military spouse who voluntarily left the claimant's most recent employment to relocate with the claimant's spouse who, because of a permanent change of station orders, was required to move to a location from which the commute to the claimant's most recent employment was impractical, but only if, before leaving, the claimant took reasonable actions to maintain the employment relationship through accommodation discussions with the claimant's employer.

(c) The following definitions apply to this subsection:

- (i) "Domestic violence" is as defined in section 39-6303, Idaho Code, and also includes the crime of stalking in the second degree pursuant to section 18-7906, Idaho Code;
- (ii) "Military spouse" means the spouse of a member of the armed forces of the United States or a reserve component of the armed forces of the United States stationed in this state in accordance with military orders or stationed in this state before a reassignment to duties outside this state; and
- (iii) "Permanent change of station orders" means the assignment, reassignment, or transfer of a member of the armed forces of the United States or a reserve component of the armed forces of the United States from the member's present duty station or location without return to the previous duty station or location.

(6) (a) The claimant's unemployment is not due to his failure without good cause to apply for available suitable work or to accept suitable work when offered to him within seven (7) days of when it is offered to him, unless a condition specified in subsection (8) of this section applies or the job offered does not constitute suitable employment pursuant to the provisions of subsection (9) of this section. The longer a claimant has been unemployed, the more willing he must be to seek other types of work and accept work at a lower rate of pay. Failure to appear for a previously scheduled job interview without notifying the employer of the need to cancel or reschedule shall constitute a failure to apply for suitable work for that week.

(b) The department shall establish an email address and web portal that allows employers to report suspected violations of this subsection. As part of its regular communication with employers, the department shall at least annually inform employers of the email address and web portal described in this subsection and the mechanism to report suspected violations.

(c) For the purposes of paragraph (a) of this subsection, a good cause reason for not applying for available and suitable work or responding to an offer of suitable employment shall be found only if the claimant is ill, injured, or delayed by reason of an accident or medical emergency involving the claimant or a member of the claimant's immediate family.

(7) In determining whether or not work is suitable for an individual, the degree of risk involved to his health, safety, morals, physical fitness, experience, training, past earnings, length of unemployment and prospects for obtaining local employment in his customary occupation, the distance of the work from his residence, and other pertinent factors shall be considered. No employment shall be deemed suitable and benefits shall not be denied to any otherwise eligible individual for refusing to accept new work or to hold himself available for work under any of the following conditions:

(a) If the vacancy of the position offered is due directly to a strike, lockout, or other labor dispute;

(b) If the wages, hours, or other conditions of the work offered are below those prevailing for similar work in the locality of the work offered;

(c) If, as a condition of being employed, the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

(8) No claimant who is otherwise eligible shall be denied benefits for any week due to an inability to comply with the requirements contained in subsections (4) (a) (i) and (6) of this section if:

(a) The claimant is a participant in a program sponsored by title I of the workforce innovation and opportunity act (29 U.S.C. 3101 et seq., as amended) and attends a job training course under that program; or

(b) The claimant attends a job training course authorized pursuant to the provisions of section 236 (a) (1) of the trade act of 1974 or the North American free trade agreement implementation act.

(c) The claimant lacks skills to compete in the labor market and attends a job training course with the approval of the director. The director may approve job training courses that meet the following criteria:

(i) The purpose of the job training is to teach the claimant skills that will enhance the claimant's opportunities for employment; and

(ii) The job training can be completed within two (2) years, except that this requirement may be waived pursuant to rules that the director may prescribe.

(9) No claimant who is otherwise eligible shall be denied benefits under subsection (5) of this section for leaving employment to attend job training pursuant to subsection (8) of this section, provided that the claimant obtained the employment after enrollment in or during scheduled breaks in the job training course or that the employment was not suitable. For purposes of this subsection, the term "suitable employment" means work of a substantially equal or higher skill level than the individual's past employment, and wages for such work are not no less than eighty percent (80%) of the average weekly wage in the individual's past employment.

(10) A claimant shall not be eligible to receive benefits for any week with respect to which it is found that his unemployment is due to a labor dispute; provided, that this subsection shall not apply if it is shown that:

(a) The claimant is not participating, financing, aiding, abetting, or directly interested in the labor dispute; and

(b) The claimant does not belong to a grade or class of workers with members who are employed at the premises at which the labor dispute occurs and who are participating in or directly interested in the dispute.

(11) A claimant shall not be entitled to benefits for any week with respect to which or a part of which he has received or is seeking benefits under an unemployment insurance law of another state or of the United States; provided, that if the appropriate agency of such other state or of the United States shall finally determine that he is not entitled to such unemployment compensation or insurance benefits, he shall not by the provisions of this subsection be denied benefits. For purposes of this section, a law of the United States providing any payments of any type and in any amounts for periods of unemployment due to involuntary unemployment shall be considered an unemployment insurance law of the United States.

(12) A claimant shall not be entitled to benefits for a period of fifty-two (52) weeks if it is determined that he has willfully made a false statement or willfully failed to report a material fact in order to obtain benefits. The period of disqualification shall commence the week the determination is issued. The claimant shall also be ineligible for waiting week credit and shall repay any sums received for any week for which the claimant received waiting week credit or benefits as a result of having willfully made a false statement or willfully failed to report a material fact. The claimant shall also be ineligible for waiting week credit or benefits for any week in which he owes the department an overpayment, civil penalty, or interest resulting from a determination that he willfully made a false statement or willfully failed to report a material fact.

(13) A claimant shall not be entitled to benefits if his principal occupation is self-employment.

(14) A claimant who has been found ineligible for benefits under the provisions of subsection (5), (6), (7) or (9) of this section shall reestablish his eligibility by having obtained bona fide work and received wages therefor in an amount of at least fourteen (14) times his weekly benefit amount.

(15) Benefits based on service in employment defined in sections 72-1349A and 72-1352(3), Idaho Code, shall be payable in the same amount, on the same terms and subject to the same conditions as benefits payable on the basis of other service subject to this act.

(a) If the services performed during one-half (1/2) or more of any contract period by an individual for an educational institution as defined in section 72-1322B, Idaho Code, are in an instructional, research, or principal administrative capacity, all the services shall be deemed to be in such capacity.

(b) If the services performed during less than one-half (1/2) of any contract period by an individual for an educational institution are in an instructional, research, or principal administrative capacity, none of the services shall be deemed to be in such capacity.

(c) As used in this section, "contract period" means the entire period for which the individual contracts to perform services, pursuant to the terms of the contract.

(16) No claimant is eligible to receive benefits in two (2) successive benefit years unless, after the beginning of the first benefit year during which he received benefits, he performed service and earned an amount equal to ~~not~~ no less than six (6) times the weekly benefit amount established during the first benefit year.

(17) (a) Benefits based on wages earned for services performed in an instructional, research, or principal administrative capacity for an educational institution shall not be paid for any week of unemployment commencing during the period between two (2) successive academic years, or during a similar period between two (2) terms, whether or not successive, or during a period of paid sabbatical leave provided for in the individual's contract, to any individual who performs such services in the first academic year (or term) and has a contract to perform services in any such capacity for any educational institution in the second academic year or term or has been given reasonable assurance that such a contract will be offered.

(b) Benefits based on wages earned for services performed in any other capacity for an educational institution shall not be paid to any individual for any week that commences during a period between two (2) successive school years or terms if the individual performs such services in the first school year or term and there is a contract or reasonable assurance that the individual will perform such services in the second school year or term. If benefits are denied to any individual under this paragraph and the individual was not offered an opportunity to perform such services for the educational institution for the second academic year or term, the individual shall be entitled to a retroactive payment of benefits for each week for which the individual filed a timely claim for benefits and for which benefits were denied solely by reason of this paragraph.

(c) With respect to any services described in paragraphs (a) and (b) of this subsection, benefits shall not be paid nor "waiting week" credit given to an individual for wages earned for services for any week that commences during an established and customary vacation period or holiday recess if the individual performed the services in the period immediately before the vacation period or holiday recess and there is a reasonable assurance the individual will perform such services in the period immediately following such vacation period or holiday recess.

(d) With respect to any services described in paragraphs (a) and (b) of this subsection, benefits shall not be payable on the basis of services in any capacities specified in paragraphs (a), (b) and (c) of this subsection to any individual who performed such services in an educational institution while in the employ of an educational service agency. For purposes of this paragraph, the term "educational service agency" means a governmental entity that is established and operated exclusively for the purpose of providing such services to one (1) or more educational institutions.

(18) Benefits shall not be payable on the basis of services that substantially consist of participating in sports or athletic events or training or preparing to participate for any week that commences during the period between two (2) successive sport seasons (or similar periods) if the individual performed services in the first season (or similar period) and there is a reasonable assurance that the individual will perform such services in the later of such season (or similar period).

(19) (a) Benefits shall not be payable on the basis of services performed by an alien unless the alien was lawfully admitted for permanent residence at the time such services were performed, was lawfully present for purposes of performing such services, or was permanently residing in the United States under color of law at the time the services were performed (including an alien who was lawfully present in the United States as a result of the application of the provisions of sections 207 and 208 or section 212(d)(5) of the immigration and nationality act).

(b) Any data or information required of individuals applying for benefits to determine eligibility under this subsection shall be uniformly required from all applicants for benefits.

(c) A decision to deny benefits under this subsection must be based on a preponderance of the evidence.

(20) An individual who has been determined to be likely to exhaust regular benefits and to need reemployment services pursuant to a profiling system established by the director must participate in those reemployment services, unless:

(a) The individual has completed such services; or

(b) There is justifiable cause, as determined by the director, for the claimant's failure to participate in such services.

(21) (a) A claimant:

(i) Who has been assigned to work for one (1) or more customers of a staffing service; and

(ii) Who, at the time of hire by the staffing service, signed a written notice informing him that completion or termination of an assignment for a customer would not, of itself, terminate the employment relationship with the staffing service;

will not be considered unemployed upon completion or termination of an assignment until such time as he contacts the staffing service to determine if further suitable work is available. If the claimant:

1. Contacts the staffing service and refuses a suitable work assignment that is offered to him at that time, he will be considered to have voluntarily quit that employment; or

2. Contacts the staffing service and the service does not have a suitable work assignment for him, he will be considered unemployed due to a lack of work; or

3. Accepts new employment without first contacting the staffing service for additional work, he will be considered to have voluntarily quit employment with the staffing service.

(b) For the purposes of this subsection, the term "staffing service" means any person who assigns individuals to work for its customers and includes, but is not limited to, professional employers as defined in chapter 24, title 44, Idaho Code, and the employers of temporary employees as defined in section 44-2403(7), Idaho Code.

(22) (a) A claimant who is otherwise eligible for regular benefits as defined in section 72-1367A(1)(e), Idaho Code, shall be eligible for training extension benefits if the department determines that all of the following criteria are met:

(i) The claimant is unemployed;

(ii) The claimant has exhausted all rights to regular unemployment benefits as defined in section 72-1367A(1)(e), Idaho Code, and all rights to extended benefits as defined in section 72-1367A(1)(f), Idaho Code, and all rights to benefits under section 2002 ("increase in unemployment compensation benefits") of division B, title II, the assistance for unemployed workers and struggling families act, of the American recovery and reinvestment act of 2009, P.L. 111-5, as enacted on February 17, 2009;

(iii) The claimant is enrolled in a training program approved by the department or in a job training program authorized under the workforce innovation and opportunity act; except that the training program must prepare the claimant for entry into a high-demand occupation if the department determines that the claimant separated from a declining occupation or has been involuntarily and indefinitely separated from employment as a result of a permanent reduction of operations at the claimant's place of employment. For the purposes of this subsection, a "declining occupation" is one where there is a lack of sufficient current demand in the claimant's labor market area for the occupational skills for which the claimant is qualified by training and experience or current physical or mental capacity and the lack of employment opportunities is expected to continue for an extended period of time, or the claimant's occupation is one for which there is a seasonal variation in demand in the labor market and the claimant has no other skills for which there is current demand. For the purposes of this subsection, a "high-demand occupation" is an occupation in a labor market area where work opportunities are available and qualified applicants are lacking as determined by the use of available labor market information;

(iv) The claimant is making satisfactory progress to complete the training as determined by the department; and

(v) The claimant is not receiving similar stipends or other training allowances for nontraining costs. For the purposes of this subsection, "similar stipend" means an amount provided under a program with similar aims, such as providing training to increase employability, and in approximately the same amounts.

(b) The weekly training extension benefit amount shall equal the claimant's weekly benefit amount for the most recent benefit year less any deductible income as determined by the provisions of this chapter. The total amount of training extension benefits payable to a claimant shall be equal to twenty-six (26) times the claimant's average weekly benefit amount for the most recent benefit year. A claimant who is receiving training extension benefits shall not be denied training extension benefits due to the application of subsections (4) (a) (i) and (6) of this section, and an employer's account shall not be charged for training extension benefits paid to the claimant.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved March 26, 2024

CHAPTER 201
(H.B. No. 561)

AN ACT

RELATING TO ELECTIONS; AMENDING SECTION 34-1207, IDAHO CODE, TO PROVIDE FOR A CANVASS REPORT FOLLOWING CERTAIN ELECTIONS; AMENDING SECTION 34-1211, IDAHO CODE, TO REVISE PROVISIONS REGARDING MEETINGS FOR THE STATE BOARD OF CANVASSERS; AMENDING SECTION 34-1212, IDAHO CODE, TO REVISE PROVISIONS REGARDING EXAMINATION AND CERTIFICATION OF COUNTY CANVASSES; AMENDING SECTION 34-1213, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE CERTIFICATION OF CANVASS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 34-1207, Idaho Code, be, and the same is hereby amended to read as follows:

34-1207. ~~ABSTRACTS OF RETURNS~~ CANVASS REPORT. (1) After the canvass of the votes for each office, the board shall cause the county clerk to make ~~abstracts of the returns for each candidate~~ complete a canvass report, which shall then be signed by each member of the board. The ~~abstracts~~ canvass report shall be in a form and contain information as prescribed by the secretary of state and be uniform throughout the state. The canvass report shall also include the total number of votes cast for each candidate for office by county and legislative district, the total number of affirmative and negative votes cast for any special question, and any overvotes or undervotes cast by county.

(2) The county clerk, ~~by registered mail,~~ shall forward to the secretary of state the ~~abstracts completed and signed~~ canvass report for all candidates for federal, state or district offices.

SECTION 2. That Section 34-1211, Idaho Code, be, and the same is hereby amended to read as follows:

34-1211. STATE BOARD OF CANVASSERS -- MEETINGS. The secretary of state, state controller and state treasurer shall constitute the state board of canvassers. The functions of the board shall be election functions, and the secretary of state shall be chairman of the board. The state board of canvassers shall meet within ~~fifteen (15)~~ twenty-one (21) days after the primary election and within ~~fifteen (15)~~ twenty-one (21) days after the general election in the office of the secretary of state for the purpose of ~~canvassing the abstracts of votes cast for all candidates for federal, state and district offices~~ complying with the provisions of sections 34-1212 and 34-1213, Idaho Code.

SECTION 3. That Section 34-1212, Idaho Code, be, and the same is hereby amended to read as follows:

34-1212. EXAMINATION AND CERTIFICATION OF COUNTY CANVASSES BY STATE BOARD. The board shall examine the ~~abstracts of votes from the county canvasses~~ canvass reports and make a statement of the total number of votes cast for all federal, state and district candidates or special questions that shall have been voted upon at the election. The statement shall set forth the special questions and the names of the candidates for whom the votes have been cast. It shall also include the total number of votes cast for each candidate for office by county and legislative district, ~~and the total number of affirmative and negative votes cast for any special question, and any overvotes or undervotes cast~~ by county. The board shall certify that such statement is true, subscribe their names thereto, and deliver it to the secretary of state.

SECTION 4. That Section 34-1213, Idaho Code, be, and the same is hereby amended to read as follows:

34-1213. CERTIFICATION OF CANVASS ~~OF ABSTRACTS~~ BY BOARD. After the ~~canvass of the abstracts~~ examination of the canvass reports, the board shall make a statement of the total number of votes cast at any such election for all the candidates for federal, state or district offices, which statement shall show the names of the persons to whom such votes shall have been cast for the particular offices and the total number cast to each, distinguishing the several districts, counties and precincts in which they were given. They shall certify such statement to be correct, and subscribe their names thereto.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved March 26, 2024

CHAPTER 202
(S.B. No. 1294)

AN ACT

RELATING TO THE DEPARTMENT OF COMMERCE; AMENDING SECTION 67-9002, IDAHO CODE, TO REVISE LEGISLATIVE FINDINGS; AMENDING SECTION 67-9004, IDAHO CODE, TO PROVIDE FOR MANAGEMENT OF THE IDAHO RURAL DEVELOPMENT PARTNERSHIP AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-9005, IDAHO CODE, TO REVISE A PROVISION REGARDING THE RESPONSIBILITIES OF THE IDAHO RURAL DEVELOPMENT PARTNERSHIP AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-9006, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE BOARD OF DIRECTORS AND TO REMOVE PROVISIONS REGARDING THE BOARD OF DIRECTORS; AMENDING SECTION 67-9007, IDAHO CODE, TO REMOVE PROVISIONS REGARDING DUTIES OF COCHAIRS; REPEALING SECTION 67-9008, IDAHO CODE, RELATING TO THE EXECUTIVE DIRECTOR OF THE IDAHO RURAL DEVELOPMENT PARTNERSHIP; REPEALING SECTION 67-9009, IDAHO CODE, RELATING TO GENERAL MEMBERSHIP OF THE IDAHO RURAL DEVELOPMENT PARTNERSHIP; REPEALING SECTION 67-9010, IDAHO CODE, RELATING TO PERFORMANCE EVALUATIONS OF STATE EMPLOYEES; REPEALING CHAPTER 90, TITLE 67, IDAHO CODE, RELATING TO THE IDAHO RURAL DEVELOPMENT PARTNERSHIP ACT; AND DECLARING AN EMERGENCY AND PROVIDING EFFECTIVE DATES.

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

SECTION 1. That Section 67-9002, Idaho Code, be, and the same is hereby amended to read as follows:

67-9002. LEGISLATIVE FINDINGS. The legislature finds that:

(1) Rural development has been given a high priority as a means of achieving a sound and mutually beneficial balance between the economies, culture, infrastructure, and community vitality of rural and urban areas of Idaho.

(2) (a) During the last half century, the legislature has enacted many laws and established many programs to provide resources to rural communities; and

(b) Efforts have been made, and continue to be needed, to coordinate rural development programs; and.

~~(c) During the last decade, the national rural development partnership and its principal components, the national rural development council and state rural development councils, have successfully provided opportunities for collaboration and coordination among federal agencies and between federal agencies and states, nonprofit organizations, the private sector, tribal governments, and other entities committed to rural advancement.~~

~~(3) State rural development councils were established in 1990 by Presidential executive order as vehicles to help coordinate rural programs.~~

~~(4) The congress of the United States authorized and codified a national system of rural development coordination and cooperation with enactment of the "national rural development partnership act" (7 U.S.C. 2008m).~~

~~(5) The national rural development partnership has been recognized as a model of new governance and as an example of the effectiveness of collaboration between the federal, state, local, tribal, private, and nonprofit sectors in addressing the needs of the rural communities.~~

~~(6) (3) Partnerships between governmental and nongovernmental entities can extend scarce funding through collaboration and cooperation.~~

~~(7) The continued success and efficacy of the Idaho rural development partnership could be enhanced through specific legislative authorization removing any statutory barriers that could detract from the benefits potentially achieved through the partnership's unique structure.~~

SECTION 2. That Section 67-9004, Idaho Code, be, and the same is hereby amended to read as follows:

67-9004. IDAHO RURAL DEVELOPMENT PARTNERSHIP CREATED. (1) There is hereby created an independent public body corporate and politic to be known as the "Idaho rural development partnership," which shall be a public instrumentality of the state, and its exercise of the powers conferred by this chapter is and shall be deemed to be the performance of essential public functions and purposes. The Idaho rural development partnership shall be exempt from taxation, and shall be an entity of the state of Idaho as provided in the tort claims act, chapter 9, title 6, Idaho Code, and shall be entitled to all the protection as provided in the tort claims act, chapter 9, title 6, Idaho Code.

(2) The Idaho rural development partnership shall reside within the Idaho department of commerce or within another department of the executive branch as designated by the governor. The designated agency shall manage the budget and staffing requirements to meet the needs of the partnership.

SECTION 3. That Section 67-9005, Idaho Code, be, and the same is hereby amended to read as follows:

67-9005. RESPONSIBILITIES. The In accordance with the mission of the national rural development partnership in bringing together partners from all levels of government as well as private for-profit and nonprofit organizations to address the needs of rural America, the partnership's responsibilities shall be to:

- (1) Assess community and economic conditions of rural Idaho;
- (2) Advise the governor and the legislature on public policy and strategies to identify the community and economic development opportunities in rural Idaho;
- (3) Act as a clearinghouse of information and as a referral center on rural programs and policies;
- (4) Conduct outreach to rural communities and facilitate communication between rural residents and public and private organizations that provide services to rural communities;

- (5) Identify organizations, authorities and resources to address various aspects of rural development;
- (6) Serve as a nonpartisan forum for identifying and understanding rural issues from all perspectives;
- (7) Improve intergovernmental coordination, and private and public cooperation, and to seek out opportunities for new partnerships to achieve rural development goals within existing governmental and community structures;
- (8) Foster coordinated approaches to rural development that support local initiatives, with an imperative not to usurp the individual missions of any member organizations or duplicate effort;
- (9) Seek solutions to unnecessary impediments to rural development within Idaho;
- (10) Work cooperatively and seek solutions to impediments with the national rural development partnership and other state rural development councils; and
- (11) Submit an annual report to the governor outlining the work and accomplishments of the partnership.

SECTION 4. That Section 67-9006, Idaho Code, be, and the same is hereby amended to read as follows:

67-9006. BOARD OF DIRECTORS. (1) The partnership shall be managed by a board of directors that shall include the following members:

- (a) A One (1) representative appointed by the governor;
- (b) The Three (3) directors from not more than five (5) state agencies of the executive branch as appointed by the governor;
- (c) The director of the cooperative extension service in the state of Idaho;
- (d) Representatives Four (4) representatives from the following federal agencies. Such agencies may include: the United States department of agriculture's rural development, farm service agency and forest service, the United States department of the interior's bureau of land management, the United States department of commerce's economic development administration, the United States environmental protection agency, and the United States department of housing and urban development;
- (e) Four (4) Two (2) state legislators consisting of one (1) member appointed by the president pro tempore of the senate, one (1) member appointed by the minority leader of the senate, and one (1) member appointed by the speaker of the house of representatives and one (1) member appointed by the minority leader of the house of representatives;
- (f) A representative Two (2) representatives chosen by each of the federally recognized Indian tribes in the state of Idaho;
- (g) Four (4) Two (2) representatives from organizations of local government in the state of Idaho, as appointed by the governor, one (1) each representing cities, counties, economic development agencies, and resource conservation and development organizations;
- (h) Two (2) representatives One (1) representative, as appointed by the governor, from for-profit business organizations, to include agribusiness and other businesses operating with special emphasis on rural areas of the state of Idaho;
- (i) A One (1) representative of the principal contractor for the United States department of energy's Idaho national laboratory; and
- (j) Five (5) Two (2) rural leaders chosen by the governor representing private entrepreneurs, chambers of commerce, and nonprofit and community-based organizations, living in rural Idaho and representing a geographic balance across the state.

~~(2) Nonvoting, ad hoc members may be included on the board to assist with specific issues and projects as necessary.~~

~~(3) (2) Except for appointments by the governor under this section, members of the board of directors shall serve at the pleasure of the organization or entity the member represents. Board members appointed under subsection (1) (j) of this section shall serve four (4) year terms concurrent with the governor's term.~~

~~(4) (3) The duties of the board of directors shall be to:~~

~~(a) Elect elect a cochair as provided in section 67-9007, Idaho Code.~~

~~(b) Appoint and employ, and at its pleasure discharge, an executive director and to prescribe the duties and fix the compensation of the executive director; and~~

~~(c) Establish offices, to incur expenses, to enter into contracts and to create such liabilities as may be reasonable for the proper administration and enforcement of this chapter.~~

~~(5) (4) The board of directors shall hold a meeting at least annually. A majority of the members of the board of directors shall constitute a quorum.~~

SECTION 5. That Section 67-9007, Idaho Code, be, and the same is hereby amended to read as follows:

67-9007. COCHAIRS. ~~(1) The board of directors of the partnership shall have two (2) cochairs, one (1) elected by the partnership's board of directors from among the board's membership, and the other appointed by the governor. The cochair elected by the board of directors shall serve a two (2) year term, and may be reelected until a total of four (4) consecutive years have been served, following which that individual will be disqualified for election to the position of cochair until at least one (1) term of office has intervened.~~

~~(2) The duties of the cochairs shall be to:~~

~~(a) Set operating policies; and~~

~~(b) Manage the partnership budget and staff, including the hiring of an executive director, subject to approval by the board of directors.~~

SECTION 6. That Section 67-9008, Idaho Code, be, and the same is hereby repealed.

SECTION 7. That Section 67-9009, Idaho Code, be, and the same is hereby repealed.

SECTION 8. That Section 67-9010, Idaho Code, be, and the same is hereby repealed.

SECTION 9. That Chapter 90, Title 67, Idaho Code, be, and the same is hereby repealed.

SECTION 10. An emergency existing therefor, which emergency is hereby declared to exist, Sections 1 through 8 of this act shall be in full force and effect on and after July 1, 2024. Section 9 of this act shall be in full force and effect on and after January 1, 2027.

Approved March 26, 2024

CHAPTER 203
(H.B. No. 612)

AN ACT

RELATING TO THE WOLF DEPREDAATION CONTROL BOARD; AMENDING SECTION 22-5304, IDAHO CODE, TO PROVIDE FOR COMPENSATION, TO PROVIDE A PROCEDURE, AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 22-5304, Idaho Code, be, and the same is hereby amended to read as follows:

22-5304. POWERS AND DUTIES. (1) It is hereby made the duty of the board to administer the wolf control fund, including setting the procedures and standards for payment from the fund. In carrying out these duties, the board may cooperate with federal, state, county, city and private agencies, organizations and individuals.

(2) The board has the authority to enter into agreements, including contracts, memoranda of understanding or memoranda of agreement with any federal agency, state agency, private contractor, political subdivision of the state of Idaho, or agency of another state in order to implement the provisions of this act.

(3) The control of wolves under this chapter ~~does not~~ includes the payment of compensation for damages. To determine compensation, the board shall use historic livestock loss prior to the 1995 wolf reintroduction as a base in each wolf depredation unit as determined by Idaho state department of agriculture data. Livestock producers shall report their actual losses to the board each year by December 31. The board shall determine the comparable loss for payment based on available funding. Control activities funded by the board shall be consistent with the provisions of section 36-1107(c) and (d), Idaho Code.

(4) The board may contract with the director of the Idaho state department of agriculture ~~(ISDA)~~ for legal and fiscal services as required under this act.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved March 27, 2024

CHAPTER 204
(H.B. No. 685)

AN ACT

RELATING TO MEDICAID; AMENDING CHAPTER 2, TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 56-270, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING A MEDICAID BUDGET STABILIZATION FUND; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 2, Title 56, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 56-270, Idaho Code, and to read as follows:

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

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

Approved March 27, 2024

CHAPTER 205
(H.B. No. 460)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM; APPROPRIATING MONEYS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF ADMINISTRATORS FOR FISCAL YEAR 2025; APPROPRIATING MONEYS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF TEACHERS FOR FISCAL YEAR 2025; APPROPRIATING MONEYS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF OPERATIONS FOR FISCAL YEAR 2025; APPROPRIATING MONEYS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF CHILDREN'S PROGRAMS FOR FISCAL YEAR 2025; APPROPRIATING MONEYS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF FACILITIES FOR FISCAL YEAR 2025; APPROPRIATING MONEYS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF CENTRAL SERVICES FOR FISCAL YEAR 2025; APPROPRIATING MONEYS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF EDUCATIONAL SERVICES FOR THE DEAF AND THE BLIND FOR FISCAL YEAR 2025; APPROPRIATING GENERAL FUND MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND FOR FISCAL YEAR 2025; CLARIFYING THE ORIGINAL FUND SOURCE FOR EXPENDITURES IN THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM FOR FISCAL YEAR 2025; AMENDING SECTION 33-1004E, IDAHO CODE, TO INCREASE THE BASE SALARY FOR ADMINISTRATIVE AND CLASSIFIED POSITIONS; DIRECTING THE USE OF MONEYS FOR PROFESSIONAL DEVELOPMENT FOR THE DIVISION OF TEACHERS; PROVIDING FOR A DISTRIBUTION OF ADDITIONAL COMPENSATION FOR INSTRUCTIONAL AND PUPIL SERVICE STAFF; PROVIDING AN ESTIMATE OF DISCRETIONARY FUNDS PER SUPPORT UNIT; PROVIDING AN ESTIMATE OF HEALTH BENEFIT AND INSURANCE FUNDS PER SUPPORT UNIT AND REQUIRING A REPORT; DIRECTING THE USE OF AN APPROPRIATION FOR CLASSROOM TECHNOLOGY, WIRELESS INFRASTRUCTURE, AND LEARNING MANAGEMENT SYSTEMS; EXEMPTING THE APPROPRIATION FROM PROGRAM TRANSFER LIMITATIONS; PROVIDING REQUIREMENTS REGARDING THE IDAHO DIGITAL LEARNING ACADEMY; DIRECTING THE USE OF TOBACCO, CIGARETTE, AND LOTTERY INCOME TAX MONEYS; DIRECTING THE USE OF APPROPRIATION FOR REMEDIATION COURSEWORK; DIRECTING THE USE OF AN APPROPRIATION FOR ENGLISH PROFICIENCY PROGRAMS; DIRECTING THE STATE DEPARTMENT OF EDUCATION TO COMPILE INFORMATION ON ADVANCED OPPORTUNITIES; PROVIDING A TRANSFER TO THE COMMISSION ON HISPANIC AFFAIRS; PROVIDING A TRANSFER TO THE IDAHO STATE POLICE; DIRECTING A DISTRIBUTION TO PURCHASE DIGITAL CONTENT AND CURRICULA; PROVIDING THE NECESSARY FUNDS FOR THE BOND LEVY EQUALIZATION PROGRAM; DIRECTING THE USE OF MONEYS FOR LITERACY PROGRAMS, INTERVENTION SERVICES, MATH INITIATIVE PROGRAMS, AND LIMITED-ENGLISH PROFICIENCY PROGRAMS; DIRECTING THE USE OF MONEYS FOR STUDENT ASSESSMENTS; DIRECTING THE USE OF MONEYS FOR PROFESSIONAL DEVELOPMENT; PROVIDING REQUIREMENTS FOR CONTENT AND CURRICULUM; PROVIDING GUIDANCE ON YEAR-END RECONCILIATION; PROVIDING REQUIREMENTS FOR TECHNOLOGY CONTENT AND CURRICULUM; DEFINING "DISTRIBUTED" AND "EXPENDED"; REQUIRING AN ACQUISITIONS REPORT; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. There is hereby appropriated to the Public Schools Educational Support Program's Division of Administrators \$125,107,900 to be expended from the Public School Income Fund for the period July 1, 2024, through June 30, 2025.

SECTION 2. There is hereby appropriated to the Public Schools Educational Support Program's Division of Teachers the following amounts to be expended from the listed funds for the period July 1, 2024, through June 30, 2025:

FROM:

Public School Income Fund	\$1,327,904,800
Federal Grant Fund	<u>11,000,000</u>
TOTAL	\$1,338,904,800

SECTION 3. There is hereby appropriated to the Public Schools Educational Support Program's Division of Operations \$1,126,488,900 to be expended from the Public School Income Fund for the period July 1, 2024, through June 30, 2025.

SECTION 4. There is hereby appropriated to the Public Schools Educational Support Program's Division of Children's Programs the following amounts to be expended from the listed funds for the period July 1, 2024, through June 30, 2025:

FROM:

Public School Income Fund	\$143,902,600
Federal Grant Fund	<u>240,147,800</u>
TOTAL	\$384,050,400

SECTION 5. There is hereby appropriated to the Public Schools Educational Support Program's Division of Facilities the following amounts to be expended from the listed funds for the period July 1, 2024, through June 30, 2025:

FROM:

Public School Income Fund	\$14,479,200
Bond Levy Equalization Fund	23,781,400
School District Building Account	<u>29,625,000</u>
TOTAL	\$67,885,600

SECTION 6. There is hereby appropriated to the Public Schools Educational Support Program's Division of Central Services \$14,237,600 to be expended for operating expenditures from the Public School Income Fund for the period July 1, 2024, through June 30, 2025.

SECTION 7. There is hereby appropriated to the Public Schools Educational Support Program's Division of Educational Services for the Deaf and the Blind the following amounts to be expended from the listed funds for the period July 1, 2024, through June 30, 2025:

FROM:

Public School Income Fund	\$14,790,200
School for the Deaf and the Blind Endowment Fund	<u>233,600</u>
TOTAL	\$15,023,800

SECTION 8. There is hereby appropriated and the Office of the State Controller shall transfer \$2,364,054,100 from the General Fund to the Public School Income Fund on July 1, 2024, or as soon thereafter as practicable for the period July 1, 2024, through June 30, 2025.

SECTION 9. Of the amounts appropriated in Sections 1 through 7 of this act for the Public Schools Educational Support Program, the following amounts shall be considered expended from the listed funds for the period July 1, 2024, through June 30, 2025:

FROM:

General Fund	\$2,694,054,100
Bond Levy Equalization Fund	23,781,400
School District Building Fund	29,625,000
Public Schools Other Income Fund	7,000,000
School for the Deaf and the Blind (Endowment) Fund	233,600
Cigarette, Tobacco and Lottery Income Taxes Fund	4,324,900
Public School Endowment Income Fund	61,532,200
Federal Grant Fund	<u>251,147,800</u>
TOTAL	\$3,071,699,000

SECTION 10. That Section 33-1004E, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

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

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

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

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

(6) To determine the apportionment for district administrative staff, first determine the district average experience and education index by placing all eligible certificated administrative employees on the statewide index provided in section 33-1004A, Idaho Code. The resulting average is the district index. If the district does not employ any administrative staff, the district administrative index shall equal the statewide average index for purposes of calculating administrative salary-based apportionment. On and after July 1, 2023 2024, the district administrative staff index shall be multiplied by the base salary of ~~forty-three thousand one hundred fifty-one dollars (\$43,151)~~ forty-three thousand five hundred eighty-three dollars (\$43,583). The amount so determined shall be multiplied by the district staff allowance for administrative staff determined as provided in section 33-1004(4), Idaho Code. The resulting amount is the district's salary-based apportionment for administrative staff.

(7) On and after July 1, 2023 2024, to determine the apportionment for classified staff, multiply ~~thirty-eight thousand eight hundred two dollars (\$38,802)~~ thirty-nine thousand one hundred ninety dollars (\$39,190) by the district classified staff allowance determined as provided in section 33-1004(5), Idaho Code. The amount so determined is the district's apportionment for classified staff.

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

SECTION 11. PROFESSIONAL DEVELOPMENT. Of the moneys appropriated in Section 2 of this act, \$13,750,000 from the Public School Income Fund shall be distributed for professional development that supports instructors and pupil service staff to increase student learning, mentoring, and collaboration. Professional development efforts should be measurable, provide the instructors and pupil service staff with a clear understanding of their progress, be incorporated into their performance evaluations, and, to the extent possible, be included in the school district or public charter school continuous improvement plans required by Section 33-320, Idaho Code. Funding shall be distributed by a formula prescribed by the State Department of Education, and the State Department of Education shall track usage and effectiveness of professional development efforts at the state and local levels.

SECTION 12. INSTRUCTIONAL AND PUPIL SERVICE STAFF COMPENSATION. In addition to the distribution criteria set forth in Section 33-1004B(9)(f), Idaho Code, an additional \$6,359 shall be allocated to each cell for residential, professional, and advanced professional rungs. These funds must be used for instructional and pupil service compensation. Funding shall be distributed in combination with other career ladder allocations for the period July 1, 2024, through June 30, 2025. School districts and public charter schools shall report to the State Department of Education on the allocation of these funds for instructional and pupil service compensation. The State Department of Education shall provide a report to the Joint Finance-Appropriations Committee by January 13, 2025, on the allocations made by school districts and public charter schools. The format of the report and the contents therein shall be determined by the Legislative Services Office Budget and Policy Analysis Division.

SECTION 13. DISCRETIONARY FUNDS. Notwithstanding any law to the contrary, for the period July 1, 2024, through June 30, 2025, it is estimated that the appropriation of state funds to the Public Schools Educational Support Program's Division of Operations will result in total discretionary funds of \$19,537 per support unit that are to be used at the discretion of the school district or charter school.

SECTION 14. HEALTH BENEFIT AND INSURANCE FUNDS. Notwithstanding any law to the contrary, for the period July 1, 2024, through June 30, 2025, it is estimated that the appropriation of state funds to the Public Schools Educational Support Program's Division of Operations will result in total health benefits or insurance and health benefits-related funds of \$21,854 per support unit to be used to offset the costs of health, vision, and dental benefits or insurance offered to school employees. If the distribution provided for health, vision, and dental benefits or insurance is in excess of the individual school district's or charter school's actual costs, the excess funds may then be used at school district's or charter school's discretion. Further, the State Department of Education shall work with the Legislative Services Office Budget and Policy Analysis Division and the Division of Financial Management to determine the information that the State Department of Education shall collect on school districts' and charter schools' health, vision, and dental benefits or insurance plan information and costs, including but not limited to actual insurance premium costs, premium percentage increases, and health insurance revenues and expenditures from all fund sources.

SECTION 15. CLASSROOM TECHNOLOGY. Of the moneys appropriated in Section 3 of this act, \$36,500,000 from the Public School Income Fund shall be distributed for classroom technology, classroom technology infrastructure, wireless technology infrastructure, and learning management systems that assist teachers and students in effective and efficient instruction or learning. Funding shall be distributed based on a formula prescribed by the State Department of Education. Moneys so distributed shall be used to implement and operate a learning management system of each school district's or public charter school's choice. A learning management system shall include integration with a school district's or public charter school's student information system (SIS) and shall administer, monitor, and document student and classroom levels of learning. The State Department of Education shall verify that school districts and public charter schools are using funds to purchase a learning management system that is compliant with these standards.

SECTION 16. EXEMPTIONS FROM PROGRAM TRANSFER LIMITATIONS. For the period July 1, 2024, to June 30, 2025, the State Department of Education is hereby granted the authority to transfer appropriations among the Administrators, Teachers, Operations, Children's Programs, and Facilities divisions of the Public Schools Educational Support Program, in any amount necessary, to comply with the public school funding provisions of appropriations and Idaho Code. Additionally, appropriations may be transferred from the Division of Central Services to the other divisions of the Public Schools Educational Support Program.

SECTION 17. IDAHO DIGITAL LEARNING ACADEMY. The Idaho Digital Learning Academy (IDLA), created pursuant to Chapter 55, Title 33, Idaho Code, shall utilize state-appropriated funds for the period July 1, 2024, through June 30, 2025, to achieve the following:

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

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

(3) Pursuant to State Board of Education rule, IDAPA 08.02.03, provide advanced opportunities, including access to dual credit courses, for students.

The preceding list shall not be construed as excluding other instruction and training that may be provided by the Idaho Digital Learning Academy.

SECTION 18. TOBACCO, CIGARETTE, AND LOTTERY DISTRIBUTION. Notwithstanding any provision of law to the contrary, of the moneys appropriated in Section 4 of this act, up to \$4,324,900 from available tobacco, cigarette, and lottery income tax revenue funds accruing, appropriated, or distributed to the Public School Income Fund pursuant to Sections 63-2506, 63-2552A, and 63-3067, Idaho Code, for the period July 1, 2024, through June 30, 2025, shall be distributed to school districts and charter schools through a combination of a base amount of \$2,000 plus a prorated amount based on the prior year's average daily attendance. Such funds shall be used to develop and implement school safety improvements and/or to facilitate and provide substance abuse prevention programs in the public school system.

SECTION 19. COURSEWORK. Of the moneys appropriated in Section 4 of this act, \$4,715,000 shall be distributed for coursework for students failing to achieve proficiency on Idaho's standards-based achievement tests in dollar amounts determined by the State Department of Education. The State Department of Education shall report to the Joint Finance-Appropriations Committee and the Senate Education and House Education committees by no later than January 13, 2025, on the uses of funds and effectiveness of the programs and efforts.

SECTION 20. ENGLISH PROFICIENCY. Pursuant to Section 33-1617, Idaho Code, of the moneys appropriated in Section 4 of this act, \$4,820,000 shall be distributed for support of students in English language learner programs as follows:

(1) The State Department of Education shall distribute \$4,370,000 to school districts and charter schools pro rata based on the population of English language learners under criteria established by the department.

(2) The State Department of Education shall distribute \$450,000 for a competitive grant program to assist school districts and charter schools in which English language learners are not reaching statewide accountability interim targets or long-term goals, as defined by federal law. This amount shall be distributed annually in three-year grant cycles, contingent on appropriation and the ability of grantees to meet program objectives.

(3) The State Department of Education shall develop the program elements and objectives governing the use of these funds and include a program evaluation component.

The purpose of these funds is to improve student English language skills to allow for better access to the educational opportunities offered in public schools. The State Department of Education shall report to the Joint Finance-Appropriations Committee and the Senate Education and House Education committees by no later than January 13, 2025, on the program design, use of funds, and program effectiveness.

SECTION 21. ADVANCED OPPORTUNITIES COURSES AND PROGRAM EVALUATION. The State Department of Education shall compile information concerning the number of students enrolling in advanced opportunities courses according to the provisions of Chapter 46, Title 33, Idaho Code, whether coursework is successfully completed, and total expenditures for fiscal year 2024. As nearly as practicable, the report shall contain information about enrollment of this student population in postsecondary education. A report containing such information shall be posted on the website of the State Department of Education no later than December 29, 2024.

SECTION 22. PUBLIC SCHOOL INCOME FUND TRANSFER TO COMMISSION ON HISPANIC AFFAIRS. There is hereby appropriated and the Office of the State Controller shall transfer in accordance with Section 63-2552A(2), Idaho Code, on July 1, 2024, or as soon thereafter as practicable, \$80,000 from the Public School Income Fund to the Commission on Hispanic Affairs Miscellaneous Revenue Fund to be used for substance abuse prevention efforts in collaboration with the State Department of Education.

SECTION 23. PUBLIC SCHOOL INCOME FUND TRANSFER TO THE IDAHO STATE POLICE. There is hereby appropriated and the Office of the State Controller shall transfer in accordance with Section 63-2552A(2), Idaho Code, on July 1, 2024, or as soon thereafter as practicable, \$200,000 from the Public School Income Fund to the Idaho State Police Miscellaneous Revenue Fund for the purpose of increasing toxicology lab capacity in Forensic Services.

SECTION 24. DIGITAL CONTENT. Of the funds appropriated in Section 4 of this act, \$1,600,000 shall be distributed by the State Department of Education to school districts and public charter schools to purchase digital content and curricula of their choice. Funding will be distributed based on a formula prescribed by the State Department of Education that includes a base amount and an amount based on the number of midterm support units.

SECTION 25. TRANSFER. Of the moneys appropriated to the Public Schools Educational Support Program's Division of Facilities, the amount necessary to fund the provisions of Section 33-906, Idaho Code, is hereby transferred and appropriated to the Bond Levy Equalization Fund. If the funding appropriated in Section 5 of this act is insufficient to meet the requirements of Section 33-906, Idaho Code, the difference shall be withdrawn and paid from the Public Education Stabilization Fund, notwithstanding any other provision of law to the contrary.

SECTION 26. PROGRAM SUPPORT. Of the moneys appropriated in Section 6 of this act, up to \$2,459,100 from the Public School Income Fund shall be expended for the support of literacy programs, intervention services for non-Title I schools that fail to achieve proficiency on Idaho's standards-based achievement tests, math initiative programs and regional math labs, and evaluation of the programs for students with non-English or limited-English proficiency. The State Department of Education shall report to the Joint Finance-Appropriations Committee, the Senate Education Committee, and the House Education Committee by January 13, 2025, on the uses of funds and effectiveness of the programs and efforts.

SECTION 27. STUDENT ASSESSMENTS. Of the moneys appropriated in Section 6 of this act, the State Department of Education may expend up to \$2,258,500 for the development or administration of student assessments, including a college entrance exam for grade 11 students, an exam for grade 10 students that provides preparation for the college entrance exam, and end-of-course exams for high school science subjects.

SECTION 28. PROFESSIONAL DEVELOPMENT. Of the moneys appropriated in Section 6 of this act, the State Department of Education may expend up to \$4,500,000 for professional development and teacher training and to track usage and effectiveness of professional development efforts at the state and local levels.

SECTION 29. CONTENT AND CURRICULUM. Of the moneys appropriated in Section 6 of this act, \$1,200,000 shall be expended for the purchase of content and curriculum for adaptive math instruction, and \$2,250,000 shall be expended for research-based programs to assist with the instruction of students with non-English or limited-English proficiency and for learning loss.

SECTION 30. YEAR-END RECONCILIATION. If the moneys appropriated and transferred to the Public School Income Fund and the moneys appropriated from the General Fund in Section 6 of this act exceed the actual expenditures for the specified purposes, the difference shall be included in the year-end reconciliation used to calculate funding available to meet the requirements of Section 33-1018, Idaho Code, notwithstanding any other provision of law to the contrary. If the funding amounts specified in Section 27 of this act are insufficient to meet the actual expenditures, the difference shall be included in the year-end reconciliation used to calculate funding available to meet the requirements of Section 33-1018, Idaho Code, notwithstanding any other provision of law to the contrary.

SECTION 31. CONTENT AND CURRICULUM -- TECHNOLOGY. Of the moneys appropriated in Section 6 of this act, an amount not to exceed \$1,570,000 from the Public School Income Fund may be expended by the State Department of Education to contract for services that provide technology education opportunities and/or information technology certifications to students, including faculty that prepare students for college, career, or the workplace. Funding shall be awarded for projects that include three or more of the following components:

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

The State Department of Education shall provide a report to the Joint Finance-Appropriations Committee, the Senate Education Committee, and the House Education Committee by January 13, 2025, regarding the number and type of certificates earned by students and faculty.

SECTION 32. DEFINITIONS. (1) As used in sections 11, 12, 15, and 24 of this act, "distributed" means moneys that are transferred to school districts and public charter schools, with no funds withheld for any other contract or administrative costs;

(2) As used in sections 18, 19, and 20 of this act, "distributed" means moneys that are transferred to school districts, public charter schools, and the Idaho Digital Learning Academy, with no funds withheld for any other contract or administrative costs; and

(3) As used in sections 26, 29, and 31 of this act, "expended" means moneys that pay for the cost of contracts that provide services to school districts, public charter schools, or students or that pay for the State Department of Education's cost of administering the programs for which the moneys are allocated.

SECTION 33. ACQUISITIONS. Consistent with the provisions of Chapter 92, Title 67, Idaho Code, and funding provided in section 6 of this act, the State Department of Education is encouraged to engage in open, competitive acquisition processes. The State Department of Education shall provide a report to the Joint Finance-Appropriations Committee by December 1, 2024, on all contracts signed during fiscal year 2024 for property valued at more than \$25,000. The report shall include for each contract: (a) the amount; (b) the duration; (c) the parties; (d) the subject; (e) whether the contract was awarded as a result of an open, competitive acquisition process or as a sole source or other noncompetitive procurement pursuant to Section 67-9221, Idaho Code; and (f) the rationale for signing any sole source or other noncompetitive procurements.

SECTION 34. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved March 27, 2024

CHAPTER 206
(S.B. No. 1374, As Amended)

AN ACT

RELATING TO CONCEALED WEAPONS; AMENDING SECTION 18-3302, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING CONCEALED WEAPONS ON CERTAIN PROPERTY OWNED BY THE STATE OF IDAHO AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

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

18-3302. CONCEALED WEAPONS. (1) The legislature hereby finds that the people of Idaho have reserved for themselves the right to keep and bear arms while granting the legislature the authority to regulate the carrying of weapons concealed. The provisions of this chapter regulating the carrying of weapons must be strictly construed so as to give maximum scope to the rights retained by the people.

(2) As used in this chapter:

(a) "Concealed weapon" means any deadly weapon carried on or about the person in a manner not discernible by ordinary observation;

(b) "Deadly weapon" means:

(i) Any dirk, dirk knife, bowie knife, dagger or firearm;

(ii) Any other weapon, device, instrument, material or substance that is designed and manufactured to be readily capable of causing death or serious bodily injury; or

(iii) Any other weapon, device, instrument, material or substance that is intended by the person to be readily capable of causing death or serious bodily injury.

(c) The term "deadly weapon" does not include:

(i) Any knife, cleaver or other instrument that is intended by the person to be used in the processing, preparation or eating of food;

(ii) Any knife with a blade six (6) inches or less; or

(iii) Any taser, stun-gun, pepper spray or mace;

(d) "Firearm" means any weapon that will, is designed to, or may readily be converted to expel a projectile by the action of an explosive;

(e) "Loaded" means:

(i) For a firearm capable of using fixed ammunition, that live ammunition is present in:

1. The chamber or chambers of the firearm;

2. Any internal magazine of the firearm; or

3. A detachable magazine inserted in the firearm;

(ii) For a firearm that is not capable of using fixed ammunition, that the firearm contains:

1. A propellant charge; and

2. A priming cap or primer cap.

(3) No person shall carry concealed weapons on or about his person without a license to carry concealed weapons, except:

(a) In the person's place of abode or fixed place of business;

(b) On property in which the person has any ownership or leasehold interest;

(c) On private property where the person has permission to carry concealed weapons from any person with an ownership or leasehold interest;

(d) Outside the limits of or confines of any city, if the person is eighteen (18) years of age or older and is not otherwise disqualified from being issued a license under subsection (11) of this section.

(4) Subsection (3) of this section shall not apply to restrict or prohibit the carrying or possession of:

- (a) Any deadly weapon located in plain view;
- (b) Any lawfully possessed shotgun or rifle;
- (c) Any deadly weapon concealed in a motor vehicle;
- (d) A firearm that is not loaded and is secured in a case;
- (e) A firearm that is disassembled or permanently altered such that it is not readily operable; and
- (f) Any deadly weapon concealed by a person who is:
 - (i) ~~Over~~ Is over eighteen (18) years of age;
 - (ii) ~~A~~ Is a citizen of the United States or a current member of the armed forces of the United States; and
 - (iii) Is not disqualified from being issued a license under paragraphs (b) through (n) of subsection (11) of this section.

(5) The requirement to secure a license to carry concealed weapons under this section shall not apply to the following persons:

- (a) Officials of a city, county or the state of Idaho;
- (b) Any publicly elected Idaho official;
- (c) Members of the armed forces of the United States or of the national guard when in performance of official duties;
- (d) Criminal investigators of the attorney general's office and criminal investigators of a prosecuting attorney's office, prosecutors and their deputies;
- (e) Any peace officer as defined in section 19-5101(d), Idaho Code, in good standing;
- (f) Retired peace officers or detention deputies with at least ten (10) years of service with the state or a political subdivision as a peace officer or detention deputy and who have been certified by the peace officer standards and training council;
- (g) Any person who has physical possession of his valid license or permit authorizing him to carry concealed weapons from another state; and
- (h) Any person who has physical possession of a valid license or permit from a local law enforcement agency or court of the United States authorizing him to carry concealed weapons.

(6) The sheriff of the county of the applicant's residence or, if the applicant has obtained a protection order pursuant to chapter 63, title 39, Idaho Code, the sheriff of a county where the applicant is temporarily residing may issue a temporary emergency license for good cause pending review of an application made under subsection (7) of this section. Temporary emergency licenses must be easily distinguishable from regular licenses. A temporary emergency license shall be valid for not more than ninety (90) days.

(7) The sheriff of a county, on behalf of the state of Idaho, must, within ninety (90) days after the filing of a license application by any person who is not disqualified as provided herein from possessing or receiving a firearm under state or federal law, issue a license to the person to carry concealed weapons on his person within this state. Such license shall be valid for five (5) years from the date of issuance.

(8) The sheriff must make license applications readily available at the office of the sheriff, at other public offices in his or her jurisdiction and on the website of the Idaho state police. The license application shall be in a form to be prescribed by the director of the Idaho state police and must meet the following requirements:

- (a) The license application shall require the applicant's name, address, description, signature, date of birth, place of birth, military status, citizenship and the driver's license number or state identification card number if used for identification in applying for the license. Provided however, that if the applicant is not a United States citizen and is legally in the United States, the application must also

require any alien or admission number issued to the applicant by United States immigration and customs enforcement or any successor agency;

(b) The license application may ask the applicant to disclose his social security number but must indicate that disclosure of the applicant's social security number is optional; and

(c) The license application must contain a warning that substantially reads as follows:

CAUTION: Federal law and state law on the possession of weapons and firearms differ. If you are prohibited by federal law from possessing a weapon or a firearm, you may be prosecuted in federal court. A state permit is not a defense to a federal prosecution.

(9) The sheriff may require the applicant to demonstrate familiarity with a firearm and must accept any one (1) of the following as evidence of the applicant's familiarity with a firearm:

(a) Completion of any hunter education or hunter safety course approved by the department of fish and game or a similar agency of another state;

(b) Completion of any national rifle association firearms safety or training course or any national rifle association hunter education course or any equivalent course;

(c) Completion of any firearms safety or training course or class available to the general public offered by a law enforcement agency, community college, college, university, or private or public institution or organization or firearms training school, utilizing instructors certified by the national rifle association or the Idaho state police;

(d) Completion of any law enforcement firearms safety or training course or class offered for security guards, investigators, special deputies, or offered for any division or subdivision of a law enforcement agency or security enforcement agency;

(e) Evidence of equivalent experience with a firearm through participation in organized shooting competition or military service;

(f) A current license to carry concealed weapons pursuant to this section, unless the license has been revoked for cause;

(g) Completion of any firearms training or safety course or class conducted by a state-certified or national rifle association-certified firearms instructor; or

(h) Other training that the sheriff deems appropriate.

(10) Any person applying for original issuance of a license to carry concealed weapons must submit his fingerprints with the completed license application. Within five (5) days after the filing of an application, the sheriff must forward the applicant's completed license application and fingerprints to the Idaho state police. The Idaho state police must conduct a national fingerprint-based records check, an inquiry through the national instant criminal background check system and a check of any applicable state database, including a check for any mental health records for conditions or commitments that would disqualify a person from possessing a firearm under state or federal law, and return the results to the sheriff within sixty (60) days. If the applicant is not a United States citizen, an immigration alien query must also be conducted through United States immigration and customs enforcement or any successor agency. The sheriff shall not issue a license before receiving the results of the records check and must deny a license if the applicant is disqualified under any of the criteria listed in subsection (11) of this section. The sheriff may deny a license to carry concealed weapons to an alien if background information is not attainable or verifiable.

(11) A license to carry concealed weapons shall not be issued to any person who:

- (a) Is under twenty-one (21) years of age, except as otherwise provided in this section;
- (b) Is formally charged with a crime punishable by imprisonment for a term exceeding one (1) year;
- (c) Has been adjudicated guilty in any court of a crime punishable by imprisonment for a term exceeding one (1) year;
- (d) Is a fugitive from justice;
- (e) Is an unlawful user of marijuana or any depressant, stimulant or narcotic drug, or any controlled substance as defined in 21 U.S.C. 802;
- (f) Is currently suffering from or has been adjudicated as having suffered from any of the following conditions, based on substantial evidence:
 - (i) Lacking mental capacity as defined in section 18-210, Idaho Code;
 - (ii) Mentally ill as defined in section 66-317, Idaho Code;
 - (iii) Gravely disabled as defined in section 66-317, Idaho Code;or
 - (iv) An incapacitated person as defined in section 15-5-101, Idaho Code;
- (g) Has been discharged from the armed forces under dishonorable conditions;
- (h) Has received a withheld judgment or suspended sentence for a crime punishable by imprisonment for a term exceeding one (1) year, unless the person has successfully completed probation;
- (i) Has received a period of probation after having been adjudicated guilty of, or received a withheld judgment for, a misdemeanor offense that has as an element the intentional use, attempted use or threatened use of physical force against the person or property of another, unless the person has successfully completed probation;
- (j) Is an alien illegally in the United States;
- (k) Is a person who having been a citizen of the United States has renounced his or her citizenship;
- (l) Is free on bond or personal recognizance pending trial, appeal or sentencing for a crime that would disqualify him from obtaining a concealed weapons license;
- (m) Is subject to a protection order issued under chapter 63, title 39, Idaho Code, that restrains the person from harassing, stalking or threatening an intimate partner of the person, or child of the intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; or
- (n) Is for any other reason ineligible to own, possess or receive a firearm under the provisions of Idaho or federal law.

(12) In making a determination in relation to an applicant's eligibility under subsection (11) of this section, the sheriff shall not consider:

- (a) A conviction, guilty plea or adjudication that has been nullified by expungement, pardon, setting aside or other comparable procedure by the jurisdiction where the conviction, guilty plea or adjudication occurred or in respect of which conviction, guilty plea or adjudication the applicant's civil right to bear arms either specifically or in combination with other civil rights has been restored under operation of law or legal process; or
- (b) Except as provided for in subsection (11) (f) of this section, an adjudication of mental defect, incapacity or illness or an involuntary commitment to a mental institution if the applicant's civil right to bear arms has been restored under operation of law or legal process.

(13) A license to carry concealed weapons must be in a form substantially similar to that of the Idaho driver's license and must meet the following specifications:

- (a) The license must provide the licensee's name, address, date of birth and the driver's license number or state identification card number if used for identification in applying for the license;
- (b) The license must bear the licensee's signature and picture; and
- (c) The license must provide the date of issuance and the date on which the license expires.

(14) Upon issuing a license under the provisions of this section, the sheriff must notify the Idaho state police within three (3) business days on a form or in a manner prescribed by the Idaho state police. Information relating to an applicant or licensee received or maintained pursuant to this section by the sheriff or Idaho state police is confidential and exempt from disclosure under section 74-105, Idaho Code.

(15) The fee for original issuance of a license shall be twenty dollars (\$20.00), which the sheriff must retain for the purpose of performing the duties required in this section. The sheriff may collect the actual cost of any additional fees necessary to cover the cost of processing fingerprints lawfully required by any state or federal agency or department, and the actual cost of materials for the license lawfully required by any state agency or department, which costs must be paid to the state. The sheriff must provide the applicant with a copy of the results of the fingerprint-based records check upon request of the applicant.

(16) The fee for renewal of the license shall be fifteen dollars (\$15.00), which the sheriff must retain for the purpose of performing the duties required in this section. The sheriff may collect the actual cost of any additional fees necessary to cover the processing costs lawfully required by any state or federal agency or department, and the actual cost of materials for the license lawfully required by any state agency or department, which costs must be paid to the state.

(17) Every license that is not, as provided by law, suspended, revoked or disqualified in this state shall be renewable at any time during the ninety (90) day period before its expiration or within ninety (90) days after the expiration date. The sheriff must mail renewal notices ninety (90) days prior to the expiration date of the license. The sheriff shall require the licensee applying for renewal to complete an application. The sheriff must submit the application to the Idaho state police for a records check of state and national databases. The Idaho state police must conduct the records check and return the results to the sheriff within thirty (30) days. The sheriff shall not issue a renewal before receiving the results of the records check and must deny a license if the applicant is disqualified under any of the criteria provided in this section. A renewal license shall be valid for a period of five (5) years. A license so renewed shall take effect on the expiration date of the prior license. A licensee renewing ninety-one (91) days to one hundred eighty (180) days after the expiration date of the license must pay a late renewal penalty of ten dollars (\$10.00) in addition to the renewal fee unless waived by the sheriff, except that any licensee serving on active duty in the armed forces of the United States during the renewal period shall not be required to pay a late renewal penalty upon renewing ninety-one (91) days to one hundred eighty (180) days after the expiration date of the license. After one hundred eighty-one (181) days, the licensee must submit an initial application for a license and pay the fees prescribed in subsection (15) of this section. The renewal fee and any penalty shall be paid to the sheriff for the purpose of enforcing the provisions of this chapter. Upon renewing a license under the provisions of this section, the sheriff must notify the Idaho state police within five (5) days on a form or in a manner prescribed by the Idaho state police.

(18) No city, county or other political subdivision of this state shall modify or add to the requirements of this section, nor shall a city, county or political subdivision ask the applicant to voluntarily submit any information not required in this section. A civil action may be brought to enjoin a wrongful refusal to issue a license or a wrongful modification of the requirements of this section. The civil action may be brought in the county in which the application was made or in Ada county at the discretion of the petitioner. Any person who prevails against a public agency in any action in the courts for a violation of this section must be awarded costs, including reasonable attorney's fees incurred in connection with the legal action.

(19) A county sheriff, deputy sheriff or county employee who issues a license to carry a concealed weapon under this section shall not incur any civil or criminal liability as the result of the performance of his duties in compliance with this section.

(20) The sheriff of a county shall issue a license to carry a concealed weapon to those individuals between the ages of eighteen (18) and twenty-one (21) years who, except for the age requirement contained in section 18-3302K(4), Idaho Code, would otherwise meet the requirements for issuance of a license under section 18-3302K, Idaho Code. Licenses issued to individuals between the ages of eighteen (18) and twenty-one (21) years under this subsection shall be easily distinguishable from licenses issued pursuant to subsection (7) of this section. A license issued pursuant to this subsection after July 1, 2016, shall expire on the twenty-first birthday of the licensee. A licensee, upon attaining the age of twenty-one (21) years, shall be allowed to renew the license under the procedure contained in section 18-3302K(9), Idaho Code. Such renewal license shall be issued as an enhanced license pursuant to the provisions of section 18-3302K, Idaho Code.

(21) A person carrying a concealed weapon in violation of the provisions of this section shall be guilty of a misdemeanor.

(22) The sheriff of the county where the license was issued or the sheriff of the county where the person resides shall have the power to revoke a license subsequent to a hearing in accordance with the provisions of chapter 52, title 67, Idaho Code, for any of the following reasons:

- (a) Fraud or intentional misrepresentation in the obtaining of a license;
- (b) Misuse of a license, including lending or giving a license to another person, duplicating a license or using a license with the intent to unlawfully cause harm to a person or property;
- (c) The doing of an act or existence of a condition that would have been grounds for the denial of the license by the sheriff;
- (d) The violation of any of the terms of this section; or
- (e) The applicant is adjudicated guilty of or receives a withheld judgment for a crime that would have disqualified him from initially receiving a license.

(23) A person twenty-one (21) years of age or older who presents a valid license to carry concealed weapons is exempt from any requirement to undergo a records check at the time of purchase or transfer of a firearm from a federally licensed firearms dealer. Provided however, a temporary emergency license issued pursuant to subsection (6) of this section shall not exempt the holder of the license from any records check requirement.

(24) The attorney general must contact the appropriate officials in other states for the purpose of establishing, to the extent possible, recognition and reciprocity of the license to carry concealed weapons by other states, whether by formal agreement or otherwise. The Idaho state police must keep a copy and maintain a record of all such agreements and reciprocity recognitions, which must be made available to the public.

(25) Nothing in subsection (3) or (4) of this section shall be construed to limit the existing rights of a private property owner, private tenant, private employer, or private business entity. The provisions of this subsection shall not apply to any property owned by the state of Idaho or its political subdivisions that is normally and habitually open to the public. Such limitation on the application of this subsection shall supersede *Herndon v. City of Sandpoint*, 531 P.3d 1125 (Idaho 2023).

(a) Such limitation on the application of this subsection shall apply whether such property is leased, rented, licensed, loaned, permitted, or occupied, whether for consideration or not.

(b) Any restriction on the carrying of concealed weapons pursuant to this subsection may only be invoked for public property owned by the state or its political subdivisions when the use of such property is for a private event by invitation only, for a commercial event that charges admission, or for any other event with restricted access whether admission is charged or not. For any such private event, commercial event, or other event, it must appear to a reasonable person that the general public does not have unrestricted access to the designated public property, or any subset of such property, that is normally and habitually open to the public.

(c) Nothing in this subsection relieves any political subdivision of the state of Idaho of its duties to convey or manage public property in accordance with Idaho law.

(d) Nothing in this subsection alters or amends the provisions of section 18-3302C or 18-3309, Idaho Code.

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

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved March 27, 2024

CHAPTER 207
(H.B. No. 656)

AN ACT

RELATING TO THE STATE PROCUREMENT ACT; AMENDING SECTION 67-9229, IDAHO CODE, TO REVISE A PROVISION REGARDING APPLICATION OF THE ADMINISTRATIVE PROCEDURE ACT; AMENDING SECTION 67-9232, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING A LOWEST RESPONSIBLE BIDDER AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 67-9229, Idaho Code, be, and the same is hereby amended to read as follows:

67-9229. APPLICATION OF ADMINISTRATIVE PROCEDURE ACT. (1) All rules of the division of purchasing shall be adopted in accordance with the provisions of chapter 52, title 67, Idaho Code. Only appeals conducted as contested cases pursuant to section 67-9232(3)(a)(iii), Idaho Code, shall be subject to the judicial review provisions of chapter 52, title 67, Idaho Code. This section shall not impair any contract right or contract remedy that may exist between the state and a properly licensed contractor or vendor.

(2) A determinations officer appointed by the director pursuant to the provisions of this chapter may subpoena witnesses and evidence and administer oaths.

(3) In the event that a determinations officer is appointed pursuant to the provisions of section 67-9232, Idaho Code, any vendor who has submitted a bid in the process under review shall, notwithstanding any other disability, have standing to intervene in the proceeding as a party, and such intervenor may participate in the purchase appeal any challenge or appeal from any final order entered in a contested case conducted under section 67-9232(3)(a)(iii), Idaho Code provided for in this chapter.

SECTION 2. That Section 67-9232, Idaho Code, be, and the same is hereby amended to read as follows:

67-9232. CHALLENGES AND APPEALS. (1) Bid specifications.

(a) There shall be, beginning with the date of receipt of notice, a period of ~~not~~ no more than ten (10) working days in which any vendor, qualified and able to sell or supply the items to be acquired, may notify the administrator in writing of his intention to challenge the specifications and shall specifically state the exact nature of his challenge. The specific challenge shall describe the location of the challenged portion or clause in the specification document, unless the challenge concerns an omission, explain why any provision should be struck, added or altered, and contain suggested corrections.

(b) Upon receipt of the challenge, the administrator shall either deny the challenge, and such denial shall be considered the final agency decision, or he shall present the matter to the director for appointment of a determinations officer. If the director appoints a determinations officer, then all vendors, who are invited to bid on the property sought to be acquired, shall be notified of the appeal and the appointment of a determinations officer and may indicate in writing their agreement or disagreement with the challenge within five (5) days. The notice to the vendors may be electronic. Any vendor may note his agreement or disagreement with the challenge. The determinations officer may, on his own motion, refer the challenge portion and any related portions of the

challenge to the author of the specification to be rewritten with the advice and comments of the vendors capable of supplying the property, rewrite the specification himself and/or reject all or any part of any challenge. If specifications are to be rewritten, the matter shall be continued until the determinations officer makes a final determination of the acceptability of the revised specifications.

(c) The administrator shall reset the bid opening no later than fifteen (15) days after final determination of challenges or the amendment of the specifications. If the administrator denies the challenge, then the bid opening date shall not be reset.

(d) The final decision of the determinations officer or administrator on the challenge to specifications shall not be considered a contested case within the meaning of the administrative procedure act; provided that a vendor disagreeing with specifications may include such disagreement as a reason for asking for appointment of a determinations officer pursuant to subsection (3) of this section.

(2) Nonresponsive bids.

(a) There shall be, beginning with the day following receipt of notice of rejection, a period of five (5) working days in which a bidder whose bid was found nonresponsive may appeal such decision to the director of the department of administration. A nonresponsive bid, within the meaning of this chapter, is a bid that does not comply with the bid invitation and specifications and shall not apply to a vendor whose bid is considered but who is determined not to be the lowest responsible bidder as defined in this chapter. The director shall:

(i) Deny the application; or

(ii) Appoint a determinations officer to review the record and submit a recommended order to the director to affirm or reverse the administrator's decision of bid nonresponsiveness.

(b) The director shall, upon receipt of a written recommendation from the determinations officer, sustain, modify or reverse the administrator's nonresponsive bid decision. An appeal conducted under the provisions of this subsection shall not be considered a contested case and shall not be subject to judicial review under the provisions of chapter 52, title 67, Idaho Code.

(3) Lowest responsible bidder.

(a) A vendor whose bid is considered may, within five (5) working days following receipt of notice that he is not the lowest responsible bidder, apply to the director for appointment of a determinations officer. The application shall set forth in specific terms the reasons why the administrator's decision is thought to be erroneous. Upon receipt of the application, the director shall within five (5) working days:

(i) Deny the application, and such denial shall be considered the final agency decision;

(ii) Appoint a determinations officer to review the record to determine whether the administrator's selection of the lowest responsible bidder is correct; or

(iii) Appoint a determinations officer with authority to conduct a contested case hearing in accordance with the provisions of chapter 52, title 67, Idaho Code.

(b) The period for filing an application pursuant to paragraph (a) of this subsection shall be suspended upon a request by a bidder for public records related to the solicitation pursuant to chapter 1, title 74, Idaho Code. The period for filing an application shall resume upon the public agency's written confirmation it has produced the public records requested or written denial of the request pursuant to section 74-103, Idaho Code.

~~(b)~~ (c) A determinations officer appointed pursuant to paragraph (a) (ii) of this subsection shall inform the director by written recommendation whether, in his opinion, the administrator's selection of the lowest responsible bidder is correct. The determinations officer in making this recommendation may rely on the documents of record, statements of employees of the state of Idaho participating in any phase of the selection process, and statements of any vendor submitting a bid. A contested case hearing shall not be allowed and the determinations officer shall not be required to solicit statements from any person. Upon receipt of the recommendation from the determinations officer, the director shall sustain, modify or reverse the decision of the administrator on the selection of the lowest responsible bidder, or the director may appoint a determinations officer pursuant to paragraph (a) (iii) of this subsection.

(d) (i) Any final decision rendered by the director that denied an application pursuant to paragraph (a) (i) of this subsection or that sustained the decision of the administrator under paragraph (c) of this subsection shall be subject to judicial review. A petition for judicial review pursuant to this subsection shall be filed within twenty-eight (28) days of any final decision rendered by the director. The director shall as soon as possible transmit to the reviewing court the original record or a certified copy of the record that shall consist of all information received or relied on by the administrator in making the lowest responsible bidder determination, all information submitted to the director or the determinations officer, and any other information allowed by the court. The court shall affirm the decision rendered by the director unless the court finds that the administrator's determination of the lowest responsible bidder or the director's findings, inferences, conclusions, or decisions rendered are:

1. In violation of constitutional or statutory provisions;
2. In excess of the statutory authority of the agency;
3. Made on unlawful procedure;
4. Not supported by substantial evidence on the record as a whole; or
5. Arbitrary, capricious, or an abuse of discretion.

(ii) In judicial review proceedings pursuant to the provisions of this paragraph, the time for filing of briefs and for hearings shall be set by the court at the earliest possible time, or in no event beyond twenty-eight (28) calendar days from the date of filing of the petition.

(iii) If the court does not affirm the decision rendered by the director, the proposed award of the contract or the award of the contract shall be deemed in violation of this chapter.

~~(e)~~ (e) A determinations officer appointed pursuant to paragraph (a) (iii) of this subsection shall conduct a contested case hearing and upon conclusion of the hearing shall prepare findings of fact, conclusions of law and a recommended order for the director of the department of administration. Upon receipt of the findings of fact, conclusions of law and recommended order, the director shall enter a final order sustaining, modifying or reversing the decision of the administrator on the selection of the lowest responsible bidder.

(4) Sole source procurement.

(a) In the case of a sole source procurement, there shall be a period of not more than five (5) working days from the last date of public notice in which any vendor, able to sell or supply the property to be acquired, may notify the administrator, in writing, of his intention to challenge the sole source procurement and briefly explain the nature of the challenge.

- (b) Upon receipt of the challenge, the director shall either:
- (i) Deny the application; or
 - (ii) Appoint a determinations officer to review the record and submit a recommended order to the director to affirm or reverse the administrator's sole source determination.

(c) The director shall, upon receipt of a written recommendation from the determinations officer, sustain, modify or reverse the administrator's sole source determination. An appeal conducted under the provisions of this subsection shall not be considered a contested case and shall not be subject to judicial review under the provisions of chapter 52, title 67, Idaho Code.

(5) The administrator may, on his own initiative, file a complaint with the director for a hearing before a determinations officer. The director shall appoint a determinations officer who shall make written recommendations to the director and the director shall render whatever decision is necessary to resolve the complaint.

(6) The director is hereby authorized and directed to appoint a determinations officer whenever one is required by this chapter. The officer shall meet and render whatever determination is called for. When a complaint is filed pursuant to subsection (2) of this section, no bid may be awarded until the final decision is rendered by the director; provided that in all other cases where a determinations officer is appointed by the director, the director shall have the power to allow the acquisition contract to be awarded to the successful bidder prior to or after the decision of the determinations officer if he determines such award to be in the best interests of the state. Any determinations officer appointed pursuant to this section shall exist only for the duration of unresolved complaints on an acquisition and shall be dismissed upon resolution of all such complaints. The determinations officer shall be guided in his determination by the best economic interests of the state for both the near future and more extended periods of time. In addition to the powers conferred on the determinations officer, the director may:

- (a) Impose the penalty prescribed by section 67-9231 (3) , Idaho Code;
- (b) Enjoin any activity that violates this chapter;
- (c) Direct that bids be rejected or sustained;
- (d) Direct that specifications be rejected, sustained or modified; and
- (e) Direct further legal action.

(7) Challenges or appeals conducted pursuant to subsection (1) , (2) , (3) (a) (i) , or 3(3) (a) (ii) of this section shall not be considered to be a contested case as that term is defined in the administrative procedure act. An appeal conducted pursuant to subsection (3) (a) (iii) of this section shall be conducted as a contested case according to the provisions of chapter 52, title 67, Idaho Code.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved March 27, 2024

CHAPTER 208
(H.B. No. 630)

AN ACT

RELATING TO COUNTIES; AMENDING SECTION 31-118, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE BOUNDARIES OF CASSIA COUNTY; AMENDING SECTION 31-136, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE BOUNDARIES OF MINIDOKA COUNTY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 31-118, Idaho Code, be, and the same is hereby amended to read as follows:

31-118. CASSIA COUNTY. Cassia county is described as follows: beginning with the intersection of the ~~middle of the~~ center of the main channel of Snake river with the north and south center line of section twenty-eight (28), township ten (10) south, range twenty-one (21) east;

Western boundary. Thence south on the said center line of said section twenty-eight (28), to the point of intersection of the north line of the right of way of the Minidoka & Southwestern Railroad Company, which point is one hundred (100) feet distant at right angles from the center of the main track of the line of road of said railroad company as the same is now located; thence in a southwesterly direction along the north line of said railroad right of way to a point where said line intersects the south line of the canal right of way of the Twin Falls Land & Water Company, which point of intersection is one hundred (100) feet distant at right angles from the center line of the main canal of the said Twin Falls Land & Water Company; thence south to the south line of section thirty-six (36), township ten (10) south, range twenty (20) east; thence west to the southwest corner of said section thirty-six (36); thence south on the section lines to the south line of township eleven (11) south, thence west to the southeast corner of township eleven (11) south, range eighteen (18) east; thence south on the range lines to the south line of the state of Idaho (1907, p. 40);

Southern boundary. Thence east along the south boundary line of the state of Idaho to the intersection of the same with the one hundred thirteenth (113th) meridian west from Greenwich;

Eastern boundary. Thence north along the said meridian to the intersection of the same with the (R.C., section 23i) southern line of township twelve (12) south; thence west upon and along the southern line of said township twelve (12), to the southwest corner of township twelve (12) south, range thirty (30) east; thence north upon the range line between ranges twenty-nine (29) and thirty (30) east, to the southwest corner of township nine (9) south, range thirty (30) east;

Northern boundary. Thence west along and upon the south line of township nine (9) south, to the southwest corner of section thirty-four (34), township nine (9) south, range twenty-eight (28) east; thence north upon and along the line between sections thirty-three (33) and thirty-four (34), township nine (9) south, range twenty-eight (28) east, and an extension thereof to the point where said line so extended intersects the center of the main channel of Snake river (1913, ch. 6, section 2, p. 32); thence down the said river center of the main channel of said river in a southwesterly direction to the point of beginning (R.C., section 23i).

County seat-- Burley.

SECTION 2. That Section 31-136, Idaho Code, be, and the same is hereby amended to read as follows:

31-136. MINIDOKA COUNTY. Minidoka county is described as follows: beginning at the point where the center line of the main channel of the Snake river is intersected by the west section line of section nineteen (19), township ten (10) south, range twenty-two (22) east;

Western boundary. Thence northerly along the township line to the northwest corner of township eight (8) south, range twenty-two (22) east; thence easterly along the township line to the southwest corner of section thirty-four (34), township seven (7) south, range twenty-three (23) east; thence north along the section line to the north line of township seven (7) south, range twenty-three (23) east; thence easterly along the township line to the southwest corner of section thirty-four (34), township six (6) south, range twenty-three (23) east; thence northerly along a line which is three (3) miles west of and generally parallel to the east line of range twenty-three (23) east, north of the first standard parallel south, to the north line of township three (3) south, range twenty-three (23) east;

Northern boundary. Thence easterly along said township line (1913, ch. 3, section 2, pp. 5, 6) to the intersection of the same with the line between ranges twenty-five (25) and twenty-six (26) east; thence south along the said range line (R.C., section 23e), to its intersection with the center line of the main channel of Snake river; thence southwesterly along said center line of the main channel of Snake river, to the point of beginning (1913, ch. 3, section 2, p. 6).

County seat--Rupert.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved March 27, 2024

CHAPTER 209
(H.B. No. 668)

AN ACT

RELATING TO PUBLIC FUNDS FOR GENDER TRANSITION; PROVIDING LEGISLATIVE INTENT; AMENDING TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 89, TITLE 18, IDAHO CODE, TO ESTABLISH PROVISIONS PROHIBITING THE USE OF PUBLIC FUNDS FOR GENDER TRANSITION PROCEDURES; AMENDING CHAPTER 2, TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 56-270, IDAHO CODE, TO ESTABLISH PROVISIONS PROHIBITING THE USE OF PUBLIC FUNDS FOR GENDER TRANSITION PROCEDURES; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. LEGISLATIVE INTENT. The Legislature finds that the surgical operations and medical procedures described in section 18-1506C(3), Idaho Code, when used for purposes of altering the appearance of an individual in order to affirm the individual's perception of the individual's sex in a way that is inconsistent with the individual's biological sex, carry substantial risks and have known harmful effects, including irreversible physical alterations and, in some cases, sterility and lifelong sexual dysfunction.

SECTION 2. That Title 18, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 89, Title 18, Idaho Code, and to read as follows:

CHAPTER 89
NO PUBLIC FUNDS FOR GENDER TRANSITION

18-8901. USE OF PUBLIC FUNDS FOR GENDER TRANSITION PROCEDURES PROHIBITED. (1) For the purposes of this section, "exempted surgical operations or medical interventions" means a surgical operation or medical intervention that is:

(a) Necessary to the health of the person on whom it is performed and is performed by a person licensed in the place of its performance as a medical practitioner, except that a surgical operation or medical intervention is never necessary to the health of the minor or adult on whom it is performed if it is for the purpose of altering the appearance of an individual in order to affirm the individual's perception of the individual's sex in a way that is inconsistent with the individual's biological sex;

(b) For the treatment of any infection, injury, disease, or disorder that has been caused or exacerbated by the performance of gender transition procedures, whether or not the procedures were performed in accordance with state and federal law; or

(c) Performed in accordance with the good faith medical decision of a parent or guardian of a child or an adult born with a medically verifiable genetic disorder of sex development, including:

(i) A person with external biological sex characteristics that are ambiguous and irresolvable, such as a person born having 46, XX chromosomes with virilization, 46, XY chromosomes with undervirilization, or with both ovarian and testicular tissue; or

(ii) When a physician has otherwise diagnosed a disorder of sexual development in which the physician has determined through genetic testing that the minor or adult does not have the normal sex chromosome structure, sex steroid hormone production, or sex steroid hormone action for a male or female.

(2) Public funds shall not be used, granted, paid, or distributed to any entity, organization, or individual for the provision or subsidy of any surgical operation or medical intervention described in section 18-1506C(3), Idaho Code, for purposes of altering the appearance of an individual in order to affirm the individual's perception of the individual's sex in a way that is inconsistent with the individual's biological sex regardless of whether the surgical operation or medical intervention is administered to a minor or an adult, except for exempted surgical operations or medical interventions.

(3) Any amount paid by an entity, organization, or individual during a taxable year for the provision of surgical operations or medical interventions described in section 18-1506C(3), Idaho Code, for purposes of altering the appearance of an individual in order to affirm the individual's perception of the individual's sex in a way that is inconsistent with the individual's biological sex regardless of whether the surgical operation or medical intervention is administered to a minor or an adult shall not be tax-deductible, except exempted surgical operations or medical interventions.

(4) The Idaho medicaid program shall not reimburse or provide coverage for the use of the surgical operations or medical interventions described in section 18-1506C(3), Idaho Code, for purposes of altering the appearance of an individual in order to affirm the individual's perception of the individual's sex in a way that is inconsistent with the individual's biological sex regardless of whether the surgical operation or medical intervention is administered to a minor or an adult, except exempted surgical operations or medical interventions.

(5) No physician or other health care professional in the course and scope of employment by the state or a county or local government may provide the surgical operations or medical interventions described in section 18-1506C(3), Idaho Code, for purposes of altering the appearance of an individual in order to affirm the individual's perception of the individual's sex in a way that is inconsistent with the individual's biological sex regardless of whether the surgical operation or medical intervention is administered to a minor or an adult, except exempted surgical operations or medical interventions.

(6) No state property, facility, or building may be used to provide the surgical operations or medical interventions described in section 18-1506C(3), Idaho Code, for purposes of altering the appearance of an individual in order to affirm the individual's perception of the individual's sex in a way that is inconsistent with the individual's biological sex regardless of whether the surgical operation or medical intervention is administered to a minor or an adult, except exempted surgical operations or medical interventions.

(7) Any intentional violation of the provisions of this chapter by a public officer or public employee shall be considered a misuse of public monies punishable pursuant to section 18-5702, Idaho Code.

SECTION 3. That Chapter 2, Title 56, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 56-270, Idaho Code, and to read as follows:

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

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

SECTION 4. SEVERABILITY. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this act.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved March 27, 2024

CHAPTER 210
(S.B. No. 1292)

AN ACT

RELATING TO THE DEPARTMENT OF LANDS; REPEALING SECTION 58-120, IDAHO CODE, RELATING TO THE ATTORNEY GENERAL TO REPRESENT STATE; AMENDING CHAPTER 1, TITLE 58, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 58-120, IDAHO CODE, TO PROVIDE FOR CERTAIN LEGAL REPRESENTATION; AMENDING SECTION 67-1406, IDAHO CODE, TO PROVIDE AN EXCEPTION TO CERTAIN LEGAL REPRESENTATION AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 58-120, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Chapter 1, Title 58, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 58-120, Idaho Code, and to read as follows:

58-120. GENERAL COUNSEL TO REPRESENT THE DEPARTMENT OF LANDS. (1) Counsel to the department of lands shall be provided by an attorney hired by the director of the department of lands subject to approval by the state land board. Such counsel shall be independent of the office of the attorney general but may consult with the office of the attorney general as determined by the counsel. Such counsel shall be designated the general counsel for the department of lands.

(2) General counsel may hire additional attorneys or contract with the office of the attorney general as necessary. Nothing in this section shall preclude the department of lands from hiring counsel separate from the general counsel.

SECTION 3. That Section 67-1406, Idaho Code, be, and the same is hereby amended to read as follows:

67-1406. EMPLOYMENT OF ATTORNEYS RESTRICTED -- EXEMPTIONS. Notwithstanding any other provision of law to the contrary, no department, agency, office, officers, board, commission, institution or other state entity shall be represented by or obtain its legal advice from an attorney at law other than the attorney general, except as follows:

(1) The legislative and judicial branches of government and the governor may employ attorneys other than those under the supervision of the attorney general, and such attorneys may appear in any court. However, such entities may, upon request, utilize the attorney general's legal services.

(2) Those state entities within the department of self-governing agencies ~~which that~~ are enumerated in section 67-2601(2) (a), (b), (g), (h), and (i), Idaho Code, the department of lands, and colleges and universities may employ private counsel to advise them and represent them before courts of the state of Idaho. Such entities may also obtain legal services from the attorney general on such terms as the parties may agree.

(3) Whenever the attorney general determines that it is necessary or appropriate in the public interest, the attorney general may authorize contracts for legal services pursuant to the provisions of section 67-1409, Idaho Code.

(4) The provisions of section 67-1401, Idaho Code, shall govern the normal relationship between the attorney general and the state entities in the executive branch of state government. However, if after consultation with the attorney general, the governor determines in his sole judgment, which shall not be subject to judicial review, that counsel assigned to represent or give legal advice to any state entity, other than the lieutenant governor, state controller, state treasurer, secretary of state, attorney general, and the superintendent of public instruction, cannot effectively advocate or pursue the policies of the governor, the governor shall request that other counsel be provided by the attorney general, and the attorney general shall provide from within the office of the attorney general or obtain from outside the office of the attorney general, depending upon the request of the governor, qualified counsel acceptable to the governor to represent such state entity.

(5) Any separate counsel employed pursuant to the foregoing exceptions shall be compensated with funds appropriated to such state entity, unless such separate counsel shall have been employed at the request or convenience of the attorney general or because of a conflict in representation by the attorney general.

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved March 27, 2024

CHAPTER 211
(S.B. No. 1431)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF JUVENILE CORRECTIONS; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF JUVENILE CORRECTIONS FOR FISCAL YEAR 2025; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF JUVENILE CORRECTIONS FOR FISCAL YEAR 2025; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the Department of Juvenile Corrections the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2024, through June 30, 2025:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. ADMINISTRATION:					
FROM:					
General					
Fund	\$277,900	\$10,000			\$287,900
Miscellaneous Revenue					
Fund	1,100				1,100

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
State Juvenile Corrections Center Endowment Income					
Fund	<u>0</u>	<u>0</u>	<u>\$209,100</u>		<u>209,100</u>
TOTAL	\$279,000	\$10,000	\$209,100		\$498,100

II. COMMUNITY, OPERATIONS, AND PROGRAM SERVICES:

FROM:

General

Fund	\$34,000			\$350,000	\$384,000
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III. INSTITUTIONS:

FROM:

General

Fund	\$500,400	\$185,000			\$685,400
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State Juvenile Corrections Center Endowment Income

Fund			\$378,300		378,300
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Federal Grant

Fund	<u>3,600</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>3,600</u>
TOTAL	\$504,000	\$185,000	\$378,300	\$0	\$1,067,300

GRAND TOTAL	\$817,000	\$195,000	\$587,400	\$350,000	\$1,949,400
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SECTION 2. Notwithstanding any other provision of law to the contrary, the appropriation made to the Department of Juvenile Corrections is hereby reduced by the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2024, through June 30, 2025:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. ADMINISTRATION:				
FROM:				
Miscellaneous Revenue				
Fund	\$110,100	\$175,000		\$285,100
II. INSTITUTIONS:				
FROM:				
General				
Fund	\$220,600	\$10,000	\$535,000	\$765,600
GRAND TOTAL	\$330,700	\$185,000	\$535,000	\$1,050,700

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved March 27, 2024

CHAPTER 212
(S.B. No. 1430)

AN ACT

RELATING TO THE APPROPRIATION TO THE COMMISSION OF PARDONS AND PAROLE; APPROPRIATING MONEYS TO THE COMMISSION OF PARDONS AND PAROLE FOR FISCAL YEAR 2025; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the Commission of Pardons and Parole the following amounts to be expended according to the designated expense classes from the General Fund for the period July 1, 2024, through June 30, 2025:

FOR:

Personnel Costs	\$54,400
Operating Expenditures	<u>62,600</u>
TOTAL	\$117,000

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved March 27, 2024

CHAPTER 213
(H.B. No. 689)

AN ACT

RELATING TO DEALERS AND SALESMEN LICENSING; AMENDING CHAPTER 16, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-1601A, IDAHO CODE, TO PROVIDE LEGISLATIVE FINDINGS AND INTENT; AMENDING SECTION 49-1613, IDAHO CODE, TO REVISE AND ESTABLISH PROVISIONS REGARDING UNLAWFUL ACTS BY A MANUFACTURER OR DISTRIBUTOR; AMENDING SECTION 49-1632, IDAHO CODE, TO PROVIDE FOR AFFILIATE CORPORATIONS AND ENTITIES; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 16, Title 49, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 49-1601A, Idaho Code, and to read as follows:

49-1601A. LEGISLATIVE FINDINGS AND INTENT. (1) The legislature finds that the distribution and sale of motor vehicles within this state vitally affects the general economy of the state, the public interest, and the public welfare.

(2) In order to promote the public interest and the public welfare and in the exercise of the state's police power, it is necessary to regulate motor vehicle manufacturers, distributors, and factory or distributor representatives and to regulate dealers of motor vehicles doing business in this state in order to prevent frauds, impositions, and other abuses on its citizens and to protect and preserve the investments and properties of the citizens of this state.

(3) The provisions of this chapter shall be construed and applied to accomplish the purposes provided for in this section.

SECTION 2. That Section 49-1613, Idaho Code, be, and the same is hereby amended to read as follows:

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

(a) Intentionally publish or circulate any advertising that is misleading or inaccurate in any material particular or that misrepresents any of the products sold or furnished by a licensed dealer;

(b) Violate any of the provisions of this chapter or any of the applicable rules;

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

(d) Violate any law respecting commerce in vehicles or any lawful rule respecting commerce in vehicles promulgated by any licensing or regulating authority now existing or hereafter created by the laws of the state;

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

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

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

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

(i) Violate any provision of the federal motor vehicle safety standards, federal odometer laws or regulations;

(j) Display for sale, exchange, or sell any vehicle for which the vehicle dealer does not hold title or consignment agreement or other documentary evidence of his right to the possession of every vehicle in his possession; or

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

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

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

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

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

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

(e) Change the capital structure of the dealer or the means by or through which the dealer finances the operation of the dealership, provided that the dealer at all times meets any reasonable capital standards determined by the manufacturer or distributor in accordance with uniformly applied criteria. No change in the capital structure shall cause a change in the principal management or have the effect of a sale of the franchise without the consent of the manufacturer or distributor. Consent shall not be unreasonably withheld.

(f) Refrain from participation in the management of, investment in, or the acquisition of any other line of new vehicle or related products. This paragraph does not apply unless the dealer maintains a reasonable line of credit for each make or line of new vehicle, and the dealer remains in compliance with any reasonable facilities requirements of the manufacturer or distributor, and no change is made in the principal management of the dealership.

(g) Prospectively assent to a release, assignment, novation, waiver or estoppel that would relieve any person from liability to be imposed by this chapter or to require any controversy between a dealer and a manufacturer, distributor, or representatives, to be referred to any person other than the duly constituted courts of the state or the United States, or to the director, if that referral would be binding upon the dealer.

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

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

(j) Make significant modifications to an existing dealership or to construct a new vehicle dealership facility without providing a written guarantee of a sufficient supply of new vehicles so as to justify modification or construction, in light of the market and economic conditions.

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

(a) Delay, refuse, or fail to deliver new vehicles or new vehicle parts or accessories in a reasonable time, and in reasonable quantity, relative to the dealer's facilities and sales potential in the dealer's relevant market area, after acceptance of an order from a dealer having a franchise for the retail sale of any new vehicle sold or distributed by the manufacturer or distributor, any new vehicle, parts or accessories to new vehicles as are covered by the franchise, if the vehicle, parts, or accessories are publicly advertised as being available for delivery or actually being delivered. These provisions are not violated, however, if failure is caused by acts or causes beyond the control of the manufacturer or distributor.

(b) Refuse to disclose to any dealer handling the same line, the manner and mode of distribution of that line within ~~the relevant market area~~ this state.

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

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

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

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

~~(g) Unfairly compete with a dealer in the same line make, operating under an agreement or franchise from the aforementioned manufacturer or distributor, in the relevant market area. A manufacturer or distributor shall not, however, be deemed to be competing when operating a dealership either temporarily for a reasonable period, in any case not to exceed one (1) year, or in a retail operation that~~ Compete with their franchised dealers in this state in the sale, lease, or warranty service of new motor vehicles to retail consumers. However, nothing in this section shall limit or apply to a manufacturer's or a distributor's fleet sales or leases with a fleet customer that has a designation as such by the manufacturer or distributor as long as such sales or leases are conducted with the involvement of a dealer of the same line make. Nothing in this section shall limit or prohibit a manufacturer or distributor from authorizing or assisting a fleet customer that has a designation as such by the manufacturer or distributor to perform warranty service on vehicles owned or operated by such fleet customer. It is not a violation of this paragraph for a manufacturer or distributor, or an affiliate of a manufacturer or distributor, to directly provide an update to or repair of motor vehicle software if such update or repair is provided over-the-air at no cost or when creating a new line of motor vehicles and using franchised dealers to sell and service those vehicles. A manufacturer or distributor may operate a dealership for a reasonable period not to exceed one (1) year without violating this paragraph if such dealership is for sale to any qualified independent person at a fair and reasonable price, or in a relationship in which an independent person has made a significant investment subject to loss in the dealership and can reasonably expect to acquire full ownership of that dealership on reasonable terms and conditions. Upon a showing of good cause by the manufacturer or distributor to the department, the period of temporary ownership may be extended up to one (1) additional

year, resulting in a maximum temporary ownership period of two (2) years.

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

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

(j) Fail to respond in writing to a request for consent as specified in paragraph (i) of this subsection within sixty (60) days of receipt of a written request on the forms, if any, generally utilized by the manufacturer or distributor for those purposes and containing the required information. Failure to respond shall be deemed to be consent to the request.

(k) Prevent or attempt to prevent, by contract or otherwise, any dealer from changing the executive management control of the dealership unless the manufacturer or distributor, having the burden of proof, can show that the change of executive management will result in executive management or control by a person or persons who are not of good moral character or who do not meet reasonable, preexisting and, with consideration given to the volume of sales and service of the dealership, uniformly applied minimum business experience standards. Where the manufacturer or distributor rejects a proposed change in executive management control, the manufacturer or distributor shall give written notice of his reasons to the dealer within sixty (60) days of notice to the manufacturer or distributor by the dealer of the proposed change; otherwise, the change in the executive management of the dealership shall be presumptively considered approved.

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

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

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

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

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

(q) Require or coerce dealers to participate in local or national advertising campaigns or contests or to require or coerce dealers to purchase promotional or display materials.

(r) Charge back, deny motor vehicle allocation, withhold payments, or take other actions against a dealer, or to condition a franchise agreement, or renewal of a franchise agreement, or to condition sales, service, parts, or finance incentives upon site control or an agreement to renovate or make improvements to a facility unless required by the technology of a motor vehicle being sold at the facility. Provided however,

that a voluntary acceptance of such conditions by the dealer in writing including but not limited to a written agreement for which the dealer has accepted separate and valuable consideration, shall not constitute a violation.

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

(t) Withhold or threaten to withhold consent or approval of the sale, transfer, exchange, or issuance of a dealer sales and service agreement to an otherwise qualified buyer capable of being licensed as a dealer in this state or to condition approval of such buyer upon the selling dealer executing a release of all claims or similar instrument releasing or waiving any and all claims the selling dealer has or may have arising from the franchise relationship with the manufacturer unless separate material consideration is paid contemporaneously by the manufacturer to the dealer for such release. Nothing in this section shall preclude the application of a manufacturer's reasonable and uniform standards and policies.

(4) It is unlawful for any manufacturer or distributor or any officer, agent or representative to coerce, or attempt to coerce, any dealer in this state to offer to sell or sell any extended service contract or extended maintenance plan that is offered, sold, backed by or sponsored by the manufacturer or distributor or to sell, assign or transfer any retail installment sales contract, obtained by the dealer in connection with the sale by him in this state of new vehicles, manufactured or sold by the manufacturer or distributor, to a specified finance company or class of such companies, or to any other specified person, by any of the acts or means set forth, namely by:

(a) Any statement, suggestion, promise or threat that the manufacturer or distributor will, in any manner, benefit or injure the dealer, whether the statement, suggestion, threat or promise is express or implied or made directly or indirectly;

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

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

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

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

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

(5) It is unlawful for any manufacturer or distributor or agent or employee of a manufacturer or distributor to use a written instrument, agreement, or waiver to attempt to nullify any of the provisions of this section, and such agreement, written instrument or waiver shall be null and void.

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

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

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

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

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

(iii) Except for the sale or lease of a vehicle to a bona fide employee or relative of such manufacturer or distributor or in connection with a replacement or buyback, or to a bona fide employee or relative of a dealer under an employee pricing or similar program, consign new motor vehicles to dealers for dealer inventory or for sale or lease to a retail buyer or lessee;

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

(v) Enforce or seek to enforce a right in any franchise agreement for the manufacturer or distributor to unilaterally amend or modify the franchise agreement; or

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

(b) Nothing in this subsection shall prevent a manufacturer or distributor from:

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

(ii) Authorizing or assisting a fleet customer that has a designation as such by the manufacturer or distributor to perform warranty service on vehicles owned or operated by such fleet customers;

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

(iv) Negotiating binding terms of sale relating to the sale or lease of a vehicle to a bona fide employee or relative of such manufacturer or distributor;

(v) Negotiating binding terms of sale relating to the sale or lease of a vehicle to a bona fide employee or relative of a franchised dealer under an employee pricing program or similar program;

(vi) Negotiating binding terms of sale relating to the sale or lease of a vehicle in connection with a vehicle replacement or buyback;

(vii) Purchasing from a consumer a vehicle in connection with a vehicle replacement or buyback;

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

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

(9) (a) Within the sixty (60) day notice period provided for in subsection (8) (a) (vii) of this section, the dealer may pursue remedies under section 49-1617, Idaho Code, and file with the department and serve upon the respondent a petition to determine whether good cause exists for permitting the proposed modification. Multiple complaints pertaining to the same proposed modification may be consolidated for hearing. The proposed modification may not take effect pending the determination of any protest filed by a dealer. In making a determination of whether there is good cause for permitting a proposed modification of a dealer sales and service agreement, including but not limited to a dealer's relevant market area, the burden of proof shall be on the manufacturer or distributor, except that the burden of proof with regard to the factor set forth in subparagraph (iii) of this paragraph shall be on the dealer. The department shall consider any relevant factor, including:

(i) The reasons for the proposed modification;

(ii) Whether the proposed modification is applied to or affects all motor vehicle dealers in a nondiscriminatory manner;

- (iii) The degree to which the proposed modification will have a substantial and adverse effect on the motor vehicle dealer's rights, investment, or return on investment; and
- (iv) Whether the proposed modification is in the public interest.
- (b) With respect to a proposed modification of a dealer's relevant market area the department shall also consider:
- (i) The traffic patterns between consumers and the same line-make franchised dealers of the affected manufacturer or distributor who are located within the market;
- (ii) The pattern of new vehicle sales and registrations of the affected manufacturer or distributor within various portions of the relevant market area and within the market as a whole;
- (iii) The growth or decline in population, density of population, and new car registrations in the market;
- (iv) The presence or absence of natural geographical obstacles or boundaries;
- (v) The proximity of census tracts or other geographic units used by the affected manufacturer or distributor in determining the same line-make dealers' respective relevant market area; and
- (vi) The reasonableness of the change or proposed change to the dealer's relevant market area, considering the benefits and harm to the petitioning dealer, other same line-make dealers, and the manufacturer or distributor.

(10) It shall be unlawful for any manufacturer or distributor to implement a program or policy that coerces or requires the franchisee to install direct current fast charging stations for public access or use or any similar public-facing infrastructure relating to charging, fueling, or powering a vehicle. For purposes of this section, the term "coerce" means the use of force or threats to compel a dealer to take a specific action. "Coerce" includes threatening to withhold vehicles or parts from a franchisee or charging a franchisee a higher price for vehicles or parts on the basis of the franchisee refusing, declining, or failing to perform a specific behavior. Provided, however, that nothing contained in this subsection shall be deemed to prohibit or prevent a manufacturer or distributor from requiring a franchisee to purchase special tools or equipment, install reasonable charging infrastructure, stock reasonable quantities of certain parts, or participate in training, reasonable sales and service programs, or policies that are reasonably necessary for such franchisee to sell or service any model or series of vehicles.

SECTION 3. That Section 49-1632, Idaho Code, be, and the same is hereby amended to read as follows:

49-1632. APPLICABILITY OF CHAPTER. (1) Any person who engages directly or indirectly in purposeful contacts within this state in connection with the offering or advertising for sale, or has business dealings with respect to a new vehicle sale within this state, shall be subject to the provisions of this chapter and shall be subject to the jurisdiction of the courts of this state.

(2) The applicability of this chapter shall not be affected by a choice of law clause in any franchise, agreement, waiver, novation, or any other written instrument.

(3) Any provision of any agreement, franchise, waiver, novation or any other written instrument which is in violation of any section of this chapter shall be considered null and void and without force and effect.

(4) It shall be unlawful for a manufacturer to use any subsidiary corporation, affiliated corporation, or any other controlled corporation, partnership, entity, association, or person to accomplish what would otherwise be unlawful conduct under this chapter on the part of the manufacturer.

(5) Nothing in this chapter shall be construed to impair the obligations of a contract entered into prior to January 1, 1989, or to prevent a manufacturer, distributor, representative or any other person, whether or not licensed under this chapter, from requiring performance of a prior written contract entered into with any dealer, nor shall the requirement of performance constitute a violation of any of the provisions of this chapter. Any contract, or the terms of it, requiring performance, shall have been freely entered into and executed between the contracting parties. This chapter shall apply to any amendments, novations, records or modifications of prior contracts and to any contracts entered into subsequent to March 31, 1989.

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 27, 2024

CHAPTER 214
(H.B. No. 621, As Amended)

AN ACT

RELATING TO HOMEOWNER'S ASSOCIATIONS; AMENDING SECTION 55-3203, IDAHO CODE, TO REVISE A DEFINITION, TO DEFINE A TERM, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 55-3204, IDAHO CODE, TO PROVIDE FOR THE DISCLOSURE OF CERTAIN CONFLICTS OF INTEREST OR FAMILIAL RELATIONSHIPS AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 55-3203, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

(2) "Community manager" means a person or agent who provides for or otherwise engages in the management of a common interest community or the management of a homeowner's association.

~~(2)~~ (3) "Financial disclosure" means the accounting records of the organization that are kept, disclosed, and made available for inspection in accordance with part 11, chapter 30, title 30, Idaho Code, and the governing documents of the homeowner's association.

~~(3)~~ (4) "Governing documents" means a written instrument by which the homeowner's association may exercise powers or manage, maintain, or otherwise affect the property under the jurisdiction of the homeowner's association. "Governing documents" includes but is not limited to articles of incorporation, bylaws, a plat, rules of the homeowner's association, and any declaration of covenants, conditions, and restrictions.

~~(4)~~ (5) (a) "Homeowner's association" means any incorporated or unincorporated association:

~~(a)~~ (i) In which membership is based upon on owning or possessing an interest in real property; and

~~(b)~~ (ii) That has the authority, pursuant to recorded covenants, bylaws, or other governing documents, to assess and record liens against the real property of its members.

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

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

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

~~(5)~~ (6) "Member" or "membership" means any person or entity owning or possessing an interest in residential real property or a lot within the physical boundaries of an established homeowner's association.

SECTION 2. That Section 55-3204, Idaho Code, be, and the same is hereby amended to read as follows:

55-3204. ADMINISTRATION OF AN INCORPORATED OR UNINCORPORATED HOMEOWNER'S ASSOCIATION. (1) Board meetings must be open to the members of the homeowner's association and any representative or agent designated in a signed writing by a member to represent the member.

(2) An executive session at which members of the homeowner's association are excluded may be held upon a majority vote of the board for the following purposes:

(a) To consider matters of personnel, hiring, bid review, or contract negotiation;

(b) To consider records that are not subject to disclosure under part 11, chapter 30, title 30, Idaho Code;

(c) To consult with an attorney for the purpose of obtaining legal advice. The mere presence of legal counsel at a board meeting shall not justify entering into executive session;

(d) To discuss ongoing or potential litigation, mediation, arbitration, or administrative proceedings; or

(e) To discuss sensitive matters related to an individual member's property or assessments, such as violations or delinquent assessments.

(3) All homeowner's associations, whether incorporated or unincorporated, shall:

(a) Hold a meeting of the membership each calendar year. Such meeting may be conducted in person or, with the approval of a simple majority of the members, be conducted through an electronic or hybrid meeting model;

(b) Be governed by the provisions of sections 30-30-501 and 30-30-505, Idaho Code, as those provisions relate to notice of meetings of the homeowner's association. The board may adopt a process for members to choose to receive notice of any meeting of the homeowner's association by electronic means rather than by mail. All dates and information of the notice must remain the same as a mail notice;

(c) Take minutes from all meetings of the homeowner's association, including membership meetings and board meetings, and preserve such minutes for a minimum of ten (10) years; and

(d) Determine and establish the amount of assessments in accordance with the governing documents or, in the event the governing documents do not include such language, with the approval of a majority of the members of the homeowner's association.

(4) At an annual meeting of the homeowner's association, board members shall declare any conflict of interest or familial relationship that exists with respect to such board member and any person or entity who has previously entered into or seeks to enter into a service contract with the homeowner's association.

~~(4)~~ (5) A board of a homeowner's association may not use its power to adopt rules governing the common property to expand the provisions of the restrictive covenants as they relate to a member's property.

~~(5)~~ (6) All homeowner's associations, whether incorporated or unincorporated, shall be governed by sections 30-30-502 and 30-30-608, Idaho Code, as those sections relate to the removal of a board member and the process of calling a special meeting for such removal.

~~(6)~~ (7) Unincorporated homeowner's associations shall be governed by bylaws that provide for at least the following:

(a) A requirement that the homeowner's association holds at least one (1) meeting each calendar year;

(b) A requirement that notice of any meeting of the homeowner's association be published and distributed to all members of the homeowner's association;

(c) A requirement that the minutes of all homeowner's association meetings be taken and preserved;

(d) A method of adopting and amending fees; and

(e) A provision that no fees or assessments of the homeowner's association may be increased unless a majority of all members of the homeowner's association vote in favor of the increase.

~~(7)~~ (8) If a homeowner's association violates any of the provisions of this chapter and a member prevails in a legal action to protect his rights, the member shall be entitled to an award of reasonable attorney's fees.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved March 28, 2024

CHAPTER 215

(H.B. No. 608, As Amended in the Senate)

AN ACT

RELATING TO AGRICULTURE; AMENDING TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 97, TITLE 67, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE LEGISLATIVE INTENT, TO DEFINE TERMS, TO PROVIDE FOR AGRICULTURAL PROTECTION AREAS, TO PROVIDE FOR THE AGRICULTURAL PROTECTION AREA COMMISSION, TO PROVIDE FOR REVIEW AND ACTION ON AGRICULTURAL PROTECTION AREA APPLICATIONS, TO PROVIDE FOR RECORDING OF AGRICULTURAL PROTECTION AREAS, TO PROVIDE FOR RENEWAL OF AGRICULTURAL PROTECTION AREAS, TO PROVIDE FOR THE ADDITION AND REMOVAL OF LAND FROM AGRICULTURAL PROTECTION AREAS, TO PROVIDE FOR LIMITATIONS ON LOCAL REGULATIONS, TO PROVIDE FOR NUISANCES, AND TO PROVIDE FOR EMINENT DOMAIN; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 97, Title 67, Idaho Code, and to read as follows:

CHAPTER 97
AGRICULTURAL PROTECTION AREA ACT

67-9701. SHORT TITLE. This chapter shall be known and may be cited as the "Agricultural Protection Area Act."

67-9702. LEGISLATIVE INTENT. (1) It is hereby declared by the legislature of the state of Idaho that:

(a) Working farms, ranches, and forests provide important benefits to all Idahoans by sustaining: Idaho's economy; food and fiber production; the cultural heritage of local communities; habitat for wildlife; intact watersheds for clean water; and opportunities to hunt, fish, and enjoy the outdoors with landowner permission;

(b) Working farms, ranches, and forests and the benefits they provide to Idahoans are being lost to rapid population growth, conversion to development, and other uses in recent decades;

(c) Many of Idaho's rural working landowners are deeply committed to maintaining agricultural and forestry traditions and to serving as stewards of natural resources and wildlife; and

(d) Idaho deeply respects the property rights of individual landowners and seeks to minimize the government's control over a landowner's decisions regarding the use of his property.

(2) It is hereby declared as the purpose of this chapter to provide an opportunity to protect and enhance the economic and cultural benefits that working lands provide to Idahoans by promoting proactive planning tools for working landowners and governing bodies to maintain and enhance the economic value of working lands without impacting the property of those that elect not to participate in this opportunity.

67-9703. DEFINITIONS. As used in this chapter:

(1) "Agricultural production" means activities or conditions conducted on land actively devoted to agriculture as defined in section 63-604, Idaho Code, or on forest land as defined in section 63-1701, Idaho Code.

(2) "Agricultural protection area" means specific parcels of land in a designated geographic area voluntarily created under the authority of this chapter for the purpose of protecting and preserving agricultural land.

(3) "Agricultural protection area commission" means the advisory board to the governing body created pursuant to section 67-9705, Idaho Code.

(4) "Applicant" means anyone who owns five (5) acres or more of land that has been in active agricultural or forest production for the previous three (3) consecutive years, consistent with the provisions of sections 63-604 and 63-1701, Idaho Code, and who voluntarily applies for that land to be part of an agricultural protection area.

(5) "Hardship" means a situation or circumstance over which a landowner in an agricultural protection area has no control and can then petition for removal for reasons that include but are not limited to an adverse result in litigation against the farm or landowner, death of a close family member that would lead to unanticipated financial hardships, significant tax liabilities, bankruptcy due to another person's fraud, or any other illegal activity.

(6) "Proposal" means written documents submitted to a governing body or agricultural protection area commission from a landowner regarding his property.

67-9704. AGRICULTURAL PROTECTION AREAS. (1) No later than January 1, 2025, each board of county commissioners shall establish an agricultural protection area ordinance in accordance with the notice and hearing procedures in section 67-6509, Idaho Code. At a minimum, the ordinance shall:

- (a) Establish a process through which agricultural lands may be placed in agricultural protection areas for a minimum of twenty (20) years;
- (b) Establish the application requirements, including but not limited to information about the landowner; a description of the parcels, structures, and facilities proposed to be included in an agricultural protection area; and the current uses of lands proposed to be included in an agricultural protection area;
- (c) Establish clear and objective standards for evaluating applications for inclusion in an agricultural protection area;
- (d) Establish the timeline for reviewing and making decisions on agricultural protection area applications; and
- (e) Establish an application fee to cover the administrative costs of processing applications, including but not limited to reviewing application materials, holding public meetings and hearings, providing public notice, recording applicable documents, and updating county land use maps, provided that such fee shall not exceed the actual costs of processing the application.

(2) No later than January 1, 2025, each board of county commissioners shall establish by resolution or ordinance an agricultural protection area commission pursuant to section 67-9705, Idaho Code.

(3) Agricultural protection areas shall be designated on future land use planning maps to serve as a voluntary and expeditious tool for working landowners while also informing planners, commissions, county officials, and citizens at large on how to proactively plan for agriculture.

(4) The designations of specific parcels of land as agricultural protection areas shall not impact other parcels of land not designated as agricultural protection areas.

67-9705. AGRICULTURAL PROTECTION AREA COMMISSION. (1) The board of county commissioners shall appoint at least three (3) and no more than five (5) members actively employed by or supporting production agriculture in the county, which members may include representatives from the local soil and water conservation district board of supervisors, the local cattlemen's association board, the county farm bureau board, an irrigation district or water users association board, or a grower/commodity association or commission board, to serve as the agricultural protection area commission for the county.

(2) The terms of agricultural protection area commissioners shall be established by resolution or ordinance, but in no case shall be less than three (3) years or more than six (6) years.

(3) As part of its duties, the commission shall provide for meetings and hearings to obtain advice on the agricultural needs of the county. The commission may also conduct informal meetings with public officials and agencies, agricultural professionals, educational professionals, and other organizations to evaluate the agricultural needs of the county.

(4) The commission may make recommendations to the board of county commissioners concerning the process by which the agricultural protection area commission will accept, review, and offer recommendations regarding agricultural protection area proposals to the board of county commissioners, including the nature and type of information provided by applicants and the evaluation criteria required to review agricultural protection area applications.

(5) The commission shall review applications for inclusion in an agricultural protection area pursuant to the county agricultural protection area ordinance and make recommendations to the board of county commissioners regarding such applications.

(6) The commission shall review applications to include eligible land in an agricultural protection area and make recommendations to the board of county commissioners within sixty (60) days of receiving such applications.

67-9706. REVIEW AND ACTION ON AGRICULTURAL PROTECTION AREA APPLICATION. (1) Within sixty (60) days of receiving a recommendation from the agricultural protection area commission to support or reject an application, the board of county commissioners shall hold a public hearing regarding the application in accordance with the notice and hearing procedures pursuant to section 67-6509, Idaho Code. The board of county commissioners may approve or deny an application to include land in an agricultural protection area. If approved, the creation of an agricultural protection area shall be effective upon final action of the board of county commissioners.

(2) If the board of county commissioners fails to take action on the recommendation of the agricultural protection commission within sixty (60) days of receiving such recommendation, the recommendation of the agricultural protection area becomes final. A decision to approve or deny an agricultural protection area shall be subject to judicial review.

67-9707. RECORDING OF AGRICULTURAL PROTECTION AREAS. (1) In order to give constructive notice of the existence of an agricultural protection area designation to all persons who have, may acquire, or may seek to acquire an interest in land in or adjacent to the agricultural protection area, within ten (10) days of the creation of the agricultural protection area, the applicable clerk of the board of county commissioners shall file an executed document with the county recorder containing:

(a) The date of creation or dissolution of the agricultural protection area by the board of county commissioners;

(b) A legal description of the parcel or parcels of real property to be included in the agricultural protection area that is available through the county recorder's office; and

(c) A record of the findings of the agricultural protection area commission and decision of the board of county commissioners.

(2) The applicable governing body's failure to record the agricultural protection area does not invalidate the decision to create or dissolve an agricultural protection area.

67-9708. RENEWAL OF AGRICULTURAL PROTECTION AREAS. (1) Twenty (20) years after the creation of an agricultural protection area, if the landowner desires to continue with the agricultural protection area, no action on the part of the landowner is necessary and the board of county commissioners shall automatically renew the agricultural protection area for another twenty (20) years.

(2) If the landowner desires to terminate the agricultural protection area, written notice to the board of county commissioners is required at least ninety (90) days prior to the expiration of the agricultural protection area before the board of county commissioners terminates the designation.

(3) The clerk of the board of county commissioners shall record the renewal of an agricultural protection area pursuant to section 67-9707, Idaho Code.

67-9709. ADDING LAND TO AND REMOVING LAND FROM AN AGRICULTURAL PROTECTION AREA. (1) A landowner may add land to an existing agricultural protection area by filing an application with the board of county commissioners. The board of county commissioners shall review an application to add land to an existing agricultural protection area in accordance with section 67-9706, Idaho Code.

(2) An owner of land within an agricultural protection area may remove any or all of the land from the agricultural protection area by filing a petition for removal with the board of county commissioners.

(a) The board of county commissioners shall acknowledge receipt of the petition for removal in writing; and

(b) Confirm the removal date as ten (10) years from the date of petition for removal, or upon expiration of the designation, whichever is sooner.

(3) The board of county commissioners shall establish a process by which an owner of land within an agricultural protection area may remove any or all of the land from the agricultural protection area for reasons of hardship, as defined in this chapter.

(4) The board of county commissioners may charge an administrative fee to cover administrative costs associated with processing changes to an agricultural protection area, including but not limited to updating land use maps, recording documents, and reasonable staff time for processing the request, provided that such administrative fee shall not exceed the actual cost of processing changes to an agricultural protection area. The clerk of the board of county commissioners shall record the renewal of an agricultural protection area pursuant to section 67-9708, Idaho Code.

67-9710. LIMITATIONS ON LOCAL REGULATIONS. (1) A board of county commissioners having created an agricultural protection area shall encourage the continuity, development, and viability of agricultural use within the specific boundaries designated in the agricultural protection area by not enacting a local law, ordinance, or regulation that would restrict a farm structure or farming practice within the boundaries of the agricultural protection area, unless such farm structure or farming practice does not comply with generally recognized farming practices or the farm structure or land use is in conflict with the current agricultural land use classification or agricultural zoning designation of the area.

(2) The board of county commissioners shall not change the current agricultural land use classification or agricultural zoning designation for parcels of land within an agricultural protection area without written permission from the landowner.

(3) The board of county commissioners shall amend applicable land use planning maps to reflect the boundaries of designated agricultural protection areas and their benefits as provided in sections 67-9711 and 67-9712, Idaho Code, and shall comply with the provisions of section 67-6508, Idaho Code.

(4) Nothing in this section shall prevent a board of county commissioners from regulating the siting of large confined animal feeding operations and facilities pursuant to section 67-6529, Idaho Code; the siting of residential, commercial, manufacturing, industrial, solar energy, or wind energy structures; or other nonagricultural land uses on lands included within an agricultural protection area.

67-9711. NUISANCES. (1) Recognizing that Idaho is a right-to-farm state and that agricultural operations and agricultural facilities pursuant to chapter 45, title 22, Idaho Code, are protected from nuisance actions if they follow generally recognized farming practices, a political subdivision shall ensure that any of its laws or ordinances that define or prohibit a public nuisance shall exclude agricultural protection areas from its definition or from any prohibition for any agricultural activity or operation within an agricultural protection area as long as those agricultural activities or operations follow generally recognized farming practices.

(2) In a civil action for nuisance or criminal action for public nuisance, it is a complete defense if the action involves otherwise lawful agricultural activities that were:

(a) Conducted within an agricultural protection area; and

(b) Not in violation of any federal, state, or local law or regulation relating to the alleged nuisance and were conducted using generally recognized farming practices.

67-9712. EMINENT DOMAIN. A political subdivision having or exercising eminent domain powers may not condemn for any purpose any land within an agricultural protection area that is being used for production agriculture except for the expansion or maintenance of an existing highway right-of-way or as granted in section 14, article I and section 8, article XI of the constitution of the state of Idaho.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved March 28, 2024

CHAPTER 216

(H.B. No. 542, As Amended in the Senate)

AN ACT

RELATING TO THE PRACTICE OF MEDICINE; PROVIDING LEGISLATIVE INTENT; AMENDING SECTION 54-1803, IDAHO CODE, TO DEFINE TERMS; AMENDING SECTION 54-1810, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING A CERTAIN PROVISIONAL LICENSURE PERIOD; REPEALING SECTION 54-1812, IDAHO CODE, RELATING TO GRADUATES OF MEDICAL SCHOOLS LOCATED OUTSIDE OF THE UNITED STATES AND CANADA; AMENDING CHAPTER 18, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-1812, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING GRADUATES OF MEDICAL SCHOOLS LOCATED OUTSIDE OF THE UNITED STATES AND CANADA; AMENDING SECTION 54-1813, IDAHO CODE, TO REVISE PROVISIONS REGARDING TEMPORARY LICENSES AND REGISTRATION; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. LEGISLATIVE INTENT. It is the intent of the Legislature to remove barriers that prevent high-quality, internationally licensed physicians from filling vacancies in Idaho, including in rural and primary care settings, by eliminating unnecessary training duplication. All other care standards and requirements remain unchanged and the Idaho state Board of Medicine is empowered to continue to perform its role to ensure all internationally licensed applicants have the requisite knowledge and experience to practice medicine in Idaho.

SECTION 2. That Section 54-1803, Idaho Code, be, and the same is hereby amended to read as follows:

54-1803. DEFINITIONS. As used in this chapter:

- (1) "Practice of medicine" means:
 - (a) The investigation, diagnosis, treatment, correction, or prevention of or prescription for any human disease, ailment, injury, infirmity, deformity or other condition, physical or mental, by any means or instrumentality that involves the application of principles or techniques of medical science; or
 - (b) Offering, undertaking, or holding oneself out as able to do any of the acts described in paragraph (a) of this subsection.
- (2) "Board" means the state board of medicine.
- (3) "Physician" means any person who holds a license to practice medicine and surgery, osteopathic medicine and surgery, or osteopathic medicine, provided that others authorized by law to practice any of the healing arts shall not be considered physicians for the purposes of this chapter.
- (4) "Supervising physician" means a physician who is responsible for the direction and supervision of the activities of and patient services provided by licensed or unlicensed medical personnel.
- (5) "License to practice medicine" means a license issued by the board to a person who has graduated from an acceptable school of medicine and who has fulfilled the licensing requirements of this chapter.
- (6) "License to practice osteopathic medicine" means a license issued by the board to a person who either graduated from an acceptable osteopathic school of medicine subsequent to January 1, 1963, or who has been licensed by endorsement of a license to practice osteopathic medicine issued by another state and who has fulfilled the licensing requirements of this chapter.
- (7) "Acceptable school of medicine" means any school of medicine or school of osteopathic medicine that meets the standards or requirements of a national medical school accrediting organization acceptable to the board.
- (8) "Intern" or "resident" means any person who has completed a course of study at an acceptable school of medicine and who is enrolled in a post-graduate medical training program.
- (9) "Physician assistant" means any person who is a graduate of an acceptable physician assistant training program, who is qualified by specialized education, training, and experience, and who has been licensed by the board to render patient services.
- (10) "Graduate physician assistant" means a person who is a graduate of an approved program for the education and training of physician assistants and who meets all of the requirements in this chapter for licensure, but who:
 - (a) Has not yet taken and passed the certification examination ~~and who~~ but has been authorized by the board to render patient services under the direction of a supervising physician for a period of six (6) months; or
 - (b) Has passed the certification examination but who has not yet obtained a college baccalaureate degree and who has been authorized by the board to render patient services under the direction of a supervising physician for a period of not more than five (5) years.
- (11) "International medical program" means any medical school, residency program, medical internship program, or entity that provides physicians with a medical education or training outside of the United States or Canada that is substantially similar to the medical education or training required to practice as a physician in Idaho and has been evaluated and certified by the educational commission for foreign medical graduates.

(12) "International physician" means any individual who:

(a) Was not a legal resident of the United States or Canada when they attended and matriculated from an international medical program;

(b) Has been granted a medical doctorate or substantially similar degree by an international medical program of good standing;

(c) Has completed a residency or post-graduate medical training;

(d) Has practiced medicine as a physician in good standing with the regulatory institution in such individual's home country for at least three (3) years after the completion of post-graduate medical training or completed at least five hundred (500) hours of clinical experience under direct physician supervision in a clinical setting in the United States;

(e) Has practiced medicine within the last five (5) years or has a waiver from the board; and

(f) Possesses basic fluency in the English language as demonstrated by a passing score on the occupational English test for medicine or other equivalent exam approved by the board.

(13) "Sponsoring entity" means an entity, corporation, or organization, whether for profit or nonprofit, that furnishes, bills, or is paid for health care procedures or service delivery in the normal course of business, and includes but is not limited to health systems, hospitals, freestanding emergency departments, independent physician practices, primary care clinics, and urgent care clinics.

SECTION 3. That Section 54-1810, Idaho Code, be, and the same is hereby amended to read as follows:

54-1810. PHYSICIAN LICENSURE BY WRITTEN EXAMINATION. Any person seeking to be licensed to practice medicine or osteopathic medicine as a physician in this state must successfully complete the following requirements before a license will be issued:

(1) Each applicant must submit a completed written application to the board on forms furnished by the board, which shall require proof of graduation from a medical school acceptable to the board and successful completion of a postgraduate training program acceptable to the board. The application shall require a fingerprint-based criminal history check of the Idaho central criminal database and the federal bureau of investigation criminal history database. Each applicant must submit a full set of the applicant's fingerprints on forms supplied by the board, which shall be forwarded to the Idaho state police and the federal bureau of investigation identification division for this purpose or for the purpose of qualifying an applicant for an expedited license as the state of principal license as provided in section 54-1847, Idaho Code. The board shall not disseminate data acquired from a fingerprint-based criminal history check except as allowed by law.

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

(3) The board may require an applicant to be personally interviewed by the board or a designated committee of the board. Such an interview shall be limited to a review of the applicant's qualifications and professional credentials.

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

SECTION 4. That Section 54-1812, Idaho Code, be, and the same is hereby repealed.

SECTION 5. That Chapter 18, Title 54, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 54-1812, Idaho Code, and to read as follows:

54-1812. GRADUATES OF MEDICAL SCHOOLS LOCATED OUTSIDE OF THE UNITED STATES AND CANADA. (1) The board shall grant a three (3) year provisional license to international physicians who:

(a) Submit a completed written application to the board on forms furnished by the board, which shall include proof of:

- (i) Graduation from an international medical program;
- (ii) Post-graduate medical training; and
- (iii) Practice in the international physician's home country or clinical experience required pursuant to section 54-1803(12) (d), Idaho Code;

(b) Have an offer for employment as a physician at any sponsoring entity that operates in the state of Idaho and employs a supervising physician who is:

- (i) Licensed in Idaho and in good standing with the board;
- (ii) A board-certified physician; and
- (iii) Has institutional privileges;

(c) Report any past or pending disciplinary issues to the board and do not have disqualifying disciplinary issues as determined by the board; and

(d) Meet the qualifications described in this section.

(2) To be eligible for a provisional license, an international physician must be eligible to obtain federal immigration status that allows the international physician to practice as a physician in the United States. However, international physicians licensed pursuant to this section must obtain federal work authorization before commencing any work for the sponsoring entity.

(3) An international physician seeking a provisional license pursuant to this section must possess a passing score on the United States medical licensing examination (USMLE) 1 and 2. If an applicant fails to pass either step of the examination on two (2) separate occasions, the applicant may be required to be interviewed, evaluated, or examined by the board.

(4) The application shall require a fingerprint-based criminal history check as required by the administrator of the division of occupational and professional licenses.

(5) The board shall refuse to issue a license to an international physician if it finds that such applicant does not possess the requisite qualifications to provide the same standard of health care as provided by licensed physicians in this state.

(6) An international physician must notify the board of any changes in employment during the provisional licensure period. The board may suspend a provisional license granted pursuant to this section if the international physician is separated from a sponsoring entity during the provisional license period. However, the international physician shall get credit toward the provisional period for the time worked prior to separation.

(7) International physicians licensed pursuant to this section shall be subject to the disciplinary procedures of the board.

(8) At the conclusion of the three (3) year period, an international physician shall be eligible to apply for a full license pursuant to section 54-1810, Idaho Code, if:

- (a) The international physician was employed and training for the full three (3) years;
- (b) The supervising physician provides a letter of recommendation;

(c) The international physician is not the subject of an active investigation by the board; and

(d) The international physician has passed the USMLE 3 or equivalent exam as approved by the board.

(9) International physicians licensed pursuant to this section are subject to the provisions of section 54-1842, Idaho Code, for the purposes of the interstate medical licensure compact. The board may require additional information, as provided in this section, from any international physician from a member state seeking expedited licensure in Idaho under the interstate medical licensure compact pursuant to section 54-1845, Idaho Code.

SECTION 6. That Section 54-1813, Idaho Code, be, and the same is hereby amended to read as follows:

54-1813. TEMPORARY LICENSE AND REGISTRATION. (1) The board may by rule provide for the issuance of a temporary license to a person licensed to practice medicine or osteopathic medicine in some other state, territory, or district of the United States or Canada or to a person who is a diplomate of the national board of medical examiners or a diplomate of the national board of osteopathic medical examiners or to a physician assistant, excluding any volunteer license applicant, provided that such temporary license shall be issued only to persons who have made an application for a permanent license in this state. The board shall fix and collect a fee for a temporary license and it shall be valid from the date of issuance for one hundred twenty (120) days, unless extended by the board or its designated representative upon a showing of good cause.

(2) The board may by rule provide for temporary registration of interns, ~~and residents, and experienced international medical graduates who are forcibly displaced persons.~~ The board shall fix and collect a fee for the temporary registration and shall specify the time period of the temporary registration.

~~(3) For purposes of subsection (2) of this section, "experienced international medical graduate who is a forcibly displaced person" means a person who:~~

~~(a) Is a graduate of a medical school recognized by the board;~~

~~(b) Is an asylee, a humanitarian parolee, or a refugee holding a customs and border protection form I-94 or an equivalent document;~~

~~(c) Has applied for an accredited medical residency training program in Idaho;~~

~~(d) Has at least three (3) years of practice in the person's specialty;~~

~~(e) Has no gap of greater than five (5) years between the person's clinical practice and the person's application for the accredited medical residency training program in Idaho;~~

~~(f) Passes the occupational English test for medicine; and~~

~~(g) Agrees to practice in a health professional shortage area, as designated by the federal government, for at least three (3) years following graduation from an accredited medical residency training program in Idaho.~~

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

SECTION 8. This act shall be in full force and effect on and after January 1, 2025.

CHAPTER 217
(H.B. No. 697)

AN ACT

RELATING TO NONCLASSIFIED STATE OFFICERS AND EMPLOYEES; AMENDING SECTION 59-1605, IDAHO CODE, TO PROVIDE FOR CERTAIN CREDITED STATE SERVICE AND TO PROVIDE FOR DISCRETIONARY UTILIZATION OF UNUSED SICK LEAVE FOR CERTAIN ELIGIBLE NONCLASSIFIED OFFICERS AND EMPLOYEES; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 59-1605, Idaho Code, be, and the same is hereby amended to read as follows:

59-1605. SICK LEAVE COMPUTATION. (1) Eligible nonclassified officers and employees shall accrue sick leave at the same rate and under the same conditions as is provided in section 67-5333, Idaho Code, for classified officers and employees.

(2) Sick leave shall be taken by nonclassified officers and employees in as nearly the same manner as possible as is provided in section 67-5333, Idaho Code, for classified officers and employees.

(3) The supreme court shall determine the sick leave policies for all officers and employees of the judicial department. To the extent possible, the supreme court shall adopt policies which are compatible with the state's accounting system. Any policy and procedures determined by the supreme court must be communicated to the state controller in writing at least one hundred eighty (180) days in advance of the effective date of the policy and procedures.

(4) The state board of education shall determine the sick leave policies for all officers and employees of the state board of education who are not subject to the provisions of chapter 53, title 67, Idaho Code. To the extent possible, the state board of education shall adopt policies which are compatible with the state's accounting system.

Any policy and procedures determined by the state board of education must be communicated to the state controller in writing at least one hundred eighty (180) days in advance of the effective date of the policy and procedures.

(5) The state board of examiners shall adopt comparative tables and charts to compute sick leave on daily, weekly, bi-weekly, calendar month and annual periods.

(6) For those eligible nonclassified officers and employees previously employed by a county office of public defender or joint office of public defender and hired by the office of the state public defender prior to January 1, 2025:

(a) Credited state service, for the purposes of section 67-5333, Idaho Code, shall include all credited service earned for purposes of the public employee retirement system established pursuant to chapter 13, title 59, Idaho Code; and

(b) At the discretion of the officer or employee, up to forty (40) hours of unused sick leave shall be secured for, and credited to, the officer or employee by the office of the public defender to be utilized as sick leave. The officer or employee's prior employing county shall bequest and deposit funds corresponding to the secured and credited sick leave hours in the state public defense fund established by section 57-827, Idaho Code.

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

Approved March 28, 2024

CHAPTER 218
(H.B. No. 720)

AN ACT

RELATING TO THE APPROPRIATION TO THE DIVISION OF HUMAN RESOURCES FOR FISCAL YEAR 2025; APPROPRIATING ADDITIONAL MONEYS TO THE DIVISION OF HUMAN RESOURCES FOR FISCAL YEAR 2025; AUTHORIZING ADDITIONAL FULL-TIME EQUIVALENT POSITIONS; PROVIDING REQUIREMENTS FOR THE IMPLEMENTATION OF EMPLOYEE COMPENSATION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the Division of Human Resources \$748,700 from the Division of Human Resources Fund, to be expended for personnel costs, for the period July 1, 2024, through June 30, 2025.

SECTION 2. FTP AUTHORIZATION. In addition to any other authorization provided by law, the full-time equivalent position authorization provided to the Division of Human Resources is hereby increased by five (5.00) for the period July 1, 2024, through June 30, 2025.

SECTION 3. EMPLOYEE COMPENSATION. In accordance with Chapter 53, Title 67, Idaho Code, the Division of Human Resources shall shift the salary structure upward by an average of three and seven-tenths percent (3.7%) beginning on July 1, 2024, with the exception of the minimum wage of \$7.25 per hour at pay grade D and shall add additional pay structures for IT/Engineering and Nursing/Healthcare. The division shall also maintain the job classifications currently on payline exception. Each agency is appropriated two percent (2.0%) for permanent employees to be distributed based on merit with the flexibility for agency heads and institution presidents to distribute funds for recruitment and retention purposes in hard-to-fill, hard-to-retain positions. Further, notwithstanding any other provision of law to the contrary, state agencies shall increase the ongoing annual salaries of their permanent state employees by one percent (1.0%).

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved March 28, 2024

CHAPTER 219
(H.B. No. 645)

AN ACT

RELATING TO SCHOOL DISTRICT TRUSTEES; AMENDING SECTION 33-504, IDAHO CODE, TO REVISE PROVISIONS REGARDING VACANCIES ON SCHOOL DISTRICT BOARDS OF TRUSTEES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-510, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE TRANSACTION OF BUSINESS BY SCHOOL BOARDS OF TRUSTEES WHEN VACANCIES OCCUR AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 33-504, Idaho Code, be, and the same is hereby amended to read as follows:

33-504. VACANCIES ON BOARDS OF TRUSTEES.

(1) (a) A vacancy shall be declared by the board of trustees when any nominee has been elected but has failed to qualify for office, or within thirty (30) days of when any trustee shall:

~~(a) die (i) Dies;~~

~~(b) resign (ii) Resigns as trustee;~~

~~(c) remove (iii) Removes himself from his trustee zone of residence;~~

~~(d) (iv) Is no longer be a resident or school district elector of the district;~~

~~(e) refuse (v) Refuses to serve as trustee; or~~

~~(f) without (vi) Without excuse acceptable to the board of trustees, fail fails to attend four (4) consecutive regular meetings of the board; or.~~

~~(g) be recalled and discharged from office as provided in law. Such~~

(b) A vacancy shall exist when any trustee is recalled and discharged from office in accordance with section 34-1712, Idaho Code. Such vacancy shall occur at the time of certification of the special recall election and does not require the board of trustees to declare that a vacancy exists. Notwithstanding sections 34-1709 and 34-1712, Idaho Code, between the time of the special recall election and when the results of the special recall election are proclaimed, the trustee subject to the special recall election shall not be permitted to participate in any actions that would alter the structure of the board of trustees or create new contractual or financial obligations for the school district.

(2) With the exception of recall, any declaration of vacancy shall be made at any regular or special meeting of the board of trustees, at which any of the above-mentioned conditions provided in subsection (1) (a) of this section are determined to exist.

(3) The board of trustees shall appoint to such vacancy a person qualified to serve as trustee of the school district provided there remains in membership on the board of trustees a majority of the membership thereof, and the board shall notify the state superintendent of public instruction of the appointment. Such appointment shall be made within ninety (90) days of the declaration of vacancy. After ninety (90) days, if the board of trustees is unable to appoint a trustee from the zone vacated, the board of trustees may appoint a person at-large at large from within the boundaries of the school district to serve as the trustee from the zone where the vacancy occurred. Otherwise, after one hundred twenty (120) days from the declaration of va-

cancy, appointments shall be made by the board of county commissioners of the county in which the district is situated, or of the home county if the district be a joint district.

(4) Any person appointed as herein provided in subsection (3) of this section shall serve for the balance of the unexpired term of the office which that was declared vacant and filled by appointment.

SECTION 2. That Section 33-510, Idaho Code, be, and the same is hereby amended to read as follows:

33-510. ANNUAL MEETINGS -- REGULAR MEETINGS -- BOARDS OF TRUSTEES. (1) The annual meeting of each school district shall be on the date of its regular January meeting in each year. Notice of the annual meeting of elementary school districts shall be given as provided in section 33-402, Idaho Code, but one (1) publication shall suffice.

(2) Regular meetings of each board of school district trustees shall be held monthly, on a uniform day of a uniform week as determined at the annual meeting. Special meetings may be called by the chairman or by any two (2) members of the board and held at any time. If the time and place of special meetings shall not have been determined at a meeting of the board with all members being present, then notice of the time and place shall be given to each member and announced by written notice conspicuously posted at the school district office and at least two (2) or more public buildings within the school district ~~not~~ no less than twenty-four (24) hours before such special meeting is to be convened.

(3) A quorum for the transaction of business of the board of trustees shall consist of a majority of the members of the board. In the event of one (1) or more vacancies on the board of trustees pursuant to section 33-504, Idaho Code, the transaction of business shall be permitted if a majority of the remaining members of the board are present. Unless otherwise provided by law, all questions shall be determined by a majority of the votes cast. The chairman of the board may vote in all cases.

(4) All meetings shall conform to the provisions of chapter 2, title 74, Idaho Code.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved March 28, 2024

CHAPTER 220
(H.B. No. 563)

AN ACT

RELATING TO THE IDAHO ADMINISTRATIVE PROCEDURE ACT; AMENDING SECTION 67-5226, IDAHO CODE, TO REVISE A PROVISION REGARDING ADOPTION OF A TEMPORARY RULE; AMENDING SECTION 67-5229, IDAHO CODE, TO REVISE A PROVISION REGARDING LEGISLATIVE REVIEW OF INCORPORATED MATERIAL AND TO PROVIDE THAT AN AGENCY SHALL MAKE INCORPORATED MATERIAL AVAILABLE ON ITS WEBSITE; AMENDING SECTION 67-5292, IDAHO CODE, TO PROVIDE FOR REQUIREMENTS REGARDING THE PERIODIC REVIEW OF ADMINISTRATIVE RULES; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 67-5226, Idaho Code, be, and the same is hereby amended to read as follows:

67-5226. TEMPORARY RULES. (1) If the governor finds that:

- (a) Protection of the public health, safety, or welfare; or
- (b) Compliance with deadlines in amendments to governing law or federal programs; or
- (c) ~~Conferring a benefit~~ Reducing a regulatory burden that would otherwise impact individuals or businesses;

requires a rule to become effective before it has been submitted for review, the agency may proceed with such notice as is practicable and adopt a temporary rule, except as otherwise provided in section 67-5229(1)(d), Idaho Code. The agency may make the temporary rule immediately effective. The agency shall incorporate the required finding and a concise statement of its supporting reasons in each rule adopted in reliance upon the provisions of this subsection.

(2) A pending fee rule adopted pursuant to subsection (1) of this section may become effective under this section before it has been approved by concurrent resolution only if the governor finds that the fee or charge is necessary to avoid immediate danger.

(3) Temporary rules shall be published in the first available issue of the bulletin.

(4) Temporary rules are not subject to the requirements of section 67-5223, Idaho Code, provided that the coordinator sends a copy of the temporary rules to the director of the legislative services office.

(5) Concurrently with the promulgation of a rule under this section, or as soon as reasonably possible thereafter, an agency shall commence the promulgation of a proposed rule in accordance with the rulemaking requirements of this chapter, unless the temporary rule adopted by the agency will expire by its own terms or by operation of law before the proposed rule could become final.

SECTION 2. That Section 67-5229, Idaho Code, be, and the same is hereby amended to read as follows:

67-5229. INCORPORATION BY REFERENCE. (1) If the incorporation of its text in the agency rules would be unduly cumbersome, expensive, or otherwise inexpedient, an agency may incorporate by reference in its rules and without republication of the incorporated material in full, all or any part of:

- (a) A code, standard or rule adopted by an agency of the United States;
- (b) A code, standard or rule adopted by any nationally recognized organization or association;
- (c) A code or standard adopted by Idaho statute or authorized by Idaho statute for adoption by rule; or
- (d) A final rule of a state agency; provided however, that a state agency shall not adopt a temporary rule incorporating by reference a rule of that agency that is being or has been repealed unless the rule providing for the incorporation has been reviewed and approved by the legislature.

(2) The agency shall, as part of the rulemaking:

- (a) Include in the notice of proposed rulemaking a brief written synopsis of why the incorporation is needed; and
- (b) Note where an electronic copy can be obtained or provide an electronic link to the incorporated materials that at a minimum will be posted on the agency's website or included in the rule that is published in the administrative code on the website of the office of the administrative rules coordinator; and
- (c) If otherwise unavailable, note where copyrighted or other proprietary materials can be viewed or purchased.

(3) The incorporated material shall be identified with specificity and shall include the date when the code, standard or rule was published, approved or became effective. If the agency subsequently wishes to adopt amendments to previously incorporated material, it shall comply with the rulemaking procedures of this chapter.

(4) Unless prohibited by other provisions of law, the incorporated material is subject to legislative review in accordance with the provisions of section 67-5291, Idaho Code, and shall have the same force and effect as a rule. The legislature may reject the incorporated material in whole or in part in accordance with the provisions of section 67-5291, Idaho Code.

(5) The legislature finds that the public has the right to know about and easily access all incorporated material that holds the force and effect of law. Accordingly, an agency shall purchase or obtain at least one (1) digital copy of any incorporated material and shall, without charging a fee, make only the incorporated material conspicuously available and easily accessible on its website unless otherwise prohibited by federal law or the purchase agreement.

SECTION 3. That Section 67-5292, Idaho Code, be, and the same is hereby amended to read as follows:

67-5292. PERIODIC REVIEW OF ADMINISTRATIVE RULES. (1) Each rule chapter that is in effect on July 1, 2026, shall be reviewed by the legislature on a staggered, periodic schedule between July 1, 2026, and June 30, 2034, and on a similar schedule each eight (8) years thereafter. The review schedule shall be established by the office of the administrative rules coordinator, and the schedule shall be posted on its website no later than January 1, 2026.

(2) Prior to the review date for each rule chapter, as established in the review schedule pursuant to subsection (1) of this section, the promulgating agency shall prepare a report for the legislature that states whether the substantive content in the rule chapter is still necessary, and if it is determined to be necessary, the rationale for such determination. In addition, the agency shall report whether the necessary substantive content would be more appropriately integrated into Idaho Code as opposed to remaining as a separate administrative rule. In consideration of such report, the promulgating agency shall consider:

(a) The benefit of having all related requirements in a single location in Idaho Code;

(b) The frequency with which the substantive content of the administrative rule has been updated in the prior five (5) years and the anticipated frequency of updates in the near future; and

(c) The cost of publishing and maintaining the administrative rule in the Idaho administrative code and bulletin.

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved March 28, 2024

CHAPTER 221
(H.B. No. 620, As Amended)

AN ACT

RELATING TO KNIVES; AMENDING CHAPTER 33, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-3327, IDAHO CODE, TO PROVIDE THAT A POLITICAL SUBDIVISION SHALL NOT ENACT CERTAIN RULES, ORDINANCES, OR TAXES RELATING TO KNIVES, TO PROVIDE CERTAIN EXCEPTIONS, AND TO PROVIDE THAT CERTAIN RULES AND ORDINANCES FROM A POLITICAL SUBDIVISION SHALL BE NULL AND VOID; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 33, Title 18, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 18-3327, Idaho Code, and to read as follows:

18-3327. CONSISTENCY IN KNIFE REGULATION. (1) Except as provided in sections 18-3302 and 18-3302A, Idaho Code, a city, county, or other political subdivision of this state shall not enact any ordinance, rule, or tax relating to the transportation, possession, carrying, sale, transfer, purchase, gift, devise, licensing, registration, or use of a knife or knife making components in this state.

(2) Notwithstanding the provisions of subsection (1) of this section, the following entities may regulate the possession of a knife:

- (a) Public schools, including public charter schools;
- (b) Any court of record for any courthouse;
- (c) All law enforcement facilities;
- (d) All places of involuntary confinement, including:
 - (i) Prisons and jails established pursuant to title 20, Idaho Code; and
 - (ii) Entities managed and operated pursuant to section 56-203, Idaho Code; and
- (e) A city, county, or other political subdivision of the state in order to regulate child care facility safety standards.

(3) A city, county, or other political subdivision of this state shall not enact any rule or ordinance relating to the manufacture of a knife that is more restrictive than any rule or ordinance relating to the manufacture of any other commercial goods.

(4) Except as provided in sections 18-3302 and 18-3302A, Idaho Code, any rule or ordinance of a city, county, or political subdivision of this state that contradicts the provisions of this section shall be null, void, and of no force and effect.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved March 28, 2024

CHAPTER 222
(H.B. No. 646)

AN ACT

RELATING TO COUNTIES; AMENDING SECTION 31-107, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE BOUNDARIES OF BENEWAH COUNTY AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 31-111, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE BOUNDARIES OF BONNER COUNTY; AMENDING SECTION 31-120, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE BOUNDARIES OF CLEARWATER COUNTY AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 31-130, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE BOUNDARIES OF KOOTENAI COUNTY AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 31-131, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE BOUNDARIES OF LATAH COUNTY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 31-142, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE BOUNDARIES OF SHOSHONE COUNTY AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 31-107, Idaho Code, be, and the same is hereby amended to read as follows:

31-107. BENEWAH COUNTY. Benewah county is described as follows: beginning at the point of intersection of the Idaho-Washington state line with the north boundary line of township forty-six (46) north;

Western boundary. Thence south along said state line to the point of intersection of said state line with the north boundary line of the county of Latah, as now constituted;

Southern boundary. Thence in a southeasterly and easterly direction along said north boundary line of the county of Latah to ~~the point of intersection of said north boundary line of Latah county with the west boundary line of the county of Shoshone, as the same is now constituted~~ the northeast corner of section four (4), township forty-two (42) north, range one (1) east, being the northeast corner of Latah county with Benewah county to the north and Shoshone county to the east;

Thence east along the township line, approximately 15.50 chains (1,023 feet) to the west sixteenth corner of section thirty-four (34), township forty-three (43) north, range one (1) east, being the southeast corner of Benewah county with Shoshone county to the east and south;

Eastern boundary. Thence along said west boundary line of Shoshone county to the point of intersection of said west boundary line of Shoshone county with the north boundary line of section twenty-two (22), township forty-seven (47) north, range one (1) east Thence north along the western boundary of Shoshone county to the northeast corner section twenty-one (21), township forty-seven (47) north, range one (1) east, being the northeast corner of Benewah county with Kootenai county to the north and Shoshone county to the east;

Northern boundary. Thence west along the north boundary line of sections ~~twenty-two (22),~~ twenty-one (21), twenty (20) and nineteen (19), township forty-seven (47) north, range one (1) east, to the point of intersection with the Boise meridian; thence along said Boise meridian to the northeast corner of section twenty-four (24), township forty-seven (47) north, range one (1) west; thence west along the north boundary line of sections twenty-four (24), twenty-three (23), twenty-two (22), twenty-one (21), twenty (20) and nineteen (19), township forty-seven (47) north, range one (1) west, to the range line between township forty-seven (47) north, range one (1) west, and township forty-seven (47) north, range two (2) west; thence along said last-mentioned range line to the northeast corner of

section twenty-four (24), township forty-seven (47) north, range two (2) west; thence continuing west along the north boundary lines of sections twenty-four (24), twenty-three (23), twenty-two (22), to the northwest corner of section twenty-two (22), township forty-seven (47) north, range two (2) west; thence south along the west line of section twenty-two (22), township forty-seven (47) north, range two (2) west, to the northwest corner of section twenty-seven (27), township forty-seven (47) north, range two (2) west; thence west along the north line of sections twenty-eight (28) and twenty-nine (29), township forty-seven (47) north, range two (2) west, to the northwest corner of section twenty-nine (29), township forty-seven (47) north, range two (2) west; thence south along the west line of sections twenty-nine (29) and thirty-two (32), township forty-seven (47) north, range two (2) west, to the southwest corner of section thirty-two (32), township forty-seven (47) north, range two (2) west; thence west along the township line between townships forty-six (46) and forty-seven (47) north, range two (2) west, to the intersection of the range line between ranges two (2) and three (3) west; thence continuing west along the township line between townships forty-six (46) and forty-seven (47) north, range three (3) west, to the southwest corner of section thirty-three (33), township forty-seven (47) north, range three (3) west; thence north along the west line of section thirty-three (33), township forty-seven (47) north, range three (3) west, to the northwest corner of section thirty-three (33), township forty-seven (47) north, range three (3) west; thence west along the north line of sections thirty-two (32) and thirty-one (31), township forty-seven (47) north, range three (3) west, to the range line between ranges three (3) and four (4) west; thence south along the said range line to the northeast corner of section thirty-six (36), township forty-seven (47) north, range four (4) west; thence west along the north line of sections thirty-six (36) and thirty-five (35), township forty-seven (47) north, range four (4) west, to the northwest corner of section thirty-five (35), township forty-seven (47) north, range four (4) west; thence south along the west line of said section thirty-five (35), township forty-seven (47) north, range four (4) west, to the southwest corner of said section thirty-five (35), township forty-seven (47) north, range four (4) west; thence west along the north line of township forty-six (46) north, ranges four (4), five (5), and six (6) west, to the point of beginning.

County seat--St. Maries.

SECTION 2. That Section 31-111, Idaho Code, be, and the same is hereby amended to read as follows:

31-111. BONNER COUNTY. Bonner county is described as follows: beginning at a point where the township line between townships fifty-three (53) and fifty-four (54) north intersects the boundary line between the state of Idaho and the state of Washington;

Southern boundary. Thence east on said township line between townships fifty-three (53) and fifty-four (54) north, to the northeast corner of township fifty-three (53) north, range three (3) west; thence north on the range line between sections thirty-six (36) and thirty-one (31), to the northeast corner of section thirty-six (36), township fifty-four (54) north, range three (3) west; thence east six (6) miles to the northeast corner of section thirty-six (36), township fifty-four (54) north, range two (2) west; thence south along the range line between ranges one (1) and two (2) west, to the southwest corner of township fifty-three (53) north, range one (1) west; thence east on the township line between townships fifty-two (52) and fifty-three (53) north, to the present county line between Kootenai and Shoshone counties northeast corner of section four (4), township fifty-two (52) north, range one (1) east, being the northeast corner of Kootenai county with Shoshone county to the east and Bonner county to the north;

Thence east on said township line approximately 32.24 chains (2,128 feet) to the south quarter corner of section thirty-four (34), township fifty-three (53) north, range one (1) east, being the southeast corner of Bonner county with Shoshone county to the south and east;

thence Thence north along the west boundary line of Shoshone county to the northwest corner thereof; thence in an easterly direction along the summit of the Coeur d'Alene range of mountains to the west line of the state of Montana;

Eastern boundary. Thence north along the boundary line between the state of Idaho and the state of Montana (R.C., section 23g) to a point where the south line of township sixty (60) north of range three (3) east intersects the boundary line between the state of Idaho and the state of Montana;

Northern boundary. Thence west along said south line of township sixty (60) through ranges three (3), two (2), and one (1) east, and ranges one (1), two (2), and three (3) west, to the southwest corner of township sixty (60) north, range three (3) west; thence north along the range line between ranges three (3) and four (4) west, to the point where the north line of township sixty-three (63) north, intersects the range line between ranges three (3) and four (4) west; thence west along the said north line of township sixty-three (63) north, ranges four (4) and five (5) west, to a point on the state line between the states of Idaho and Washington where the same is intersected by the said north line of township sixty-three (63) north, range five (5) west (1915, ch. 7, section 2, p. 21);

Western boundary. Thence south along the boundary line between the state of Idaho and the state of Washington to the place of beginning (R.C., section 23g).

County seat--Sandpoint.

SECTION 3. That Section 31-120, Idaho Code, be, and the same is hereby amended to read as follows:

31-120. CLEARWATER COUNTY. Clearwater county is described as follows: beginning at the mouth of Lolo creek;

Southern boundary. Thence in a northeasterly direction up the middle of the channel to the head of said Lolo creek; thence northeasterly in a direct line to a point where the Montana-Idaho state line intersects the Lolo pass at the summit of the ~~Bitter Root~~ Bitterroot mountains;

Eastern boundary. Thence in a northwesterly direction along said Montana-Idaho state line to the intersection of the same with the northern boundary of township forty-one (41) north;

Northern boundary. Thence west along said northern boundary line to a ~~point directly north of the mouth of the North Fork of Clearwater river~~ the north quarter corner of section three (3), township forty-one (41) north, range one (1) east, being the northeast corner of Clearwater county with Shoshone county to the north and Latah county to the west;

~~Western boundary. Thence south to a point of intersection with the middle line of township thirty-eight (38) north along midsection lines, approximately 6 miles to the south quarter corner of section thirty-four (34), township forty-one (41) north, range one (1) east;~~

Thence west along the township line, approximately 22.8 chains (1,505 feet) to the west sixteenth corner of section three (3), township forty (40) north, range one (1) east;

Thence south along sixteenth section subdivision lines, approximately 1 mile to the west sixteenth corner of sections three (3) and ten (10), township forty (40) north, range one (1) east;

Thence west along the section line, 90 feet to a duly surveyed property corner monument;

Thence south along the property line, approximately 1 quarter mile to a duly surveyed property corner monument;

Thence east along the section subdivision line, 90 feet to the northwest sixteenth corner of section ten (10), township forty (40) north, range one (1) east;

Thence south along sixteenth section subdivision lines, approximately 4 and 3 quarter miles to the west sixteenth corner of sections thirty-four (34) and three (3), townships forty (40) north and thirty-nine (39) north, range one (1) east;

Thence west along the township line, approximately 90 feet to an unmonumented point;

Thence south approximately 1 half mile to a duly surveyed property corner monument;

Thence south approximately 1 half mile to a duly surveyed property corner on the south line of section three (3), township thirty-nine (39) north, range one (1) east;

Thence west along the section line approximately 1230 feet to the northeast corner of section 9, township thirty-nine (39) north, range one (1) east;

Thence south along section lines, approximately 5 miles to the southeast corner of section thirty-three (33), township thirty-nine (39) north, range one (1) east;

Thence east along the township line, approximately 5.83 chains (385 feet) to the northeast corner of section four (4), township thirty-eight (38) north, range one (1) east;

Thence south along section lines, approximately 3 miles to the middle line of the township, and the southeast corner of section sixteen (16), township thirty-eight (38) north, range one (1) east, being the southeast corner of Latah county with Clearwater county to the east and south; thence west along said middle line of township thirty-eight (38) north, to the northwest corner of section twenty-two (22), township thirty-eight (38) north, range one (1) west; thence south to the north boundary line of the Nez Perce Indian reservation; thence easterly along said reservation line to the intersection of the same with the line running south between sections fifteen (15) and sixteen (16), township thirty-seven (37) north, range one (1) west; thence south on the said line between sections fifteen (15) and sixteen (16) to the middle of the channel of Clearwater river; thence up the middle of the channel of said Clearwater river to a point where the same is intersected by the section line between sections five (5) and six (6), township thirty-six (36) north, range one (1) east; thence south on the section line between said sections five (5) and six (6) to the middle of the channel of Little Canyon creek; thence up the middle of the channel of Little Canyon creek to a point where the same intersects the seventh (7th) standard parallel north; thence east along said parallel to the middle of the channel of Clearwater river; thence up the middle of the channel of said Clearwater river to the point of beginning.

County seat--Orofino.

SECTION 4. That Section 31-130, Idaho Code, be, and the same is hereby amended to read as follows:

31-130. KOOTENAI COUNTY. Kootenai county is described as follows: beginning at the point of intersection of the west boundary line of Shoshone county with the north boundary line of section twenty-two (22), the south quarter of section fifteen (15), township forty-seven (47) north, range one (1) east, being the southeast corner of Kootenai county with Shoshone county to the east and south;

Southern boundary. Thence west along the north boundary line of sections twenty-two (22), approximately 1 half mile to the northwest corner of section twenty-two (22), township forty-seven (47) north, range one (1) east, being the northeast corner of Benewah county with Kootenai county to the north and Shoshone county to the east; thence west along the north boundary line of sections twenty-one (21), twenty (20) and nineteen (19), township forty-seven (47) north, range one (1) east, to the point of intersection with the Boise meridian; thence along said Boise meridian, to the northeast corner of section twenty-four (24), township forty-seven (47) north, range one (1) west; thence west along the north boundary line of sections twenty-four (24), twenty-three (23), twenty-two (22), twenty-one (21), twenty (20) and nineteen (19), township forty-seven (47) north, range one (1) west, to the range line between township forty-seven (47) north, range one (1) west, and township forty-seven (47) north, range two (2) west; thence along said last mentioned range line to the northeast corner of section twenty-four (24), township forty-seven (47) north, range two (2) west; thence continuing west along the north boundary lines of sections twenty-four (24), twenty-three (23), twenty-two (22), to the northwest corner of section twenty-two (22), township forty-seven (47) north, range two (2) west; thence south along the west line of section twenty-two (22), township forty-seven (47) north, range two (2) west, to the northwest corner of section twenty-seven (27), township forty-seven (47) north, range two (2) west; thence west along the north line of sections twenty-eight (28) and twenty-nine (29), township forty-seven (47) north, range two (2) west, to the northwest corner of section twenty-nine (29), township forty-seven (47) north, range two (2) west; thence south along the west line of sections twenty-nine (29) and thirty-two (32), township forty-seven (47) north, range two (2) west, to the southwest corner of section thirty-two (32), township forty-seven (47) north, range two (2) west; thence west along the township line between townships forty-six (46) and forty-seven (47) north, range two (2) west, to the intersection of the range line between ranges two (2) and three (3) west; thence continuing west along the township line between townships forty-six (46) and forty-seven (47) north, range three (3) west, to the southwest corner of section thirty-three (33), township forty-seven (47) north, range three (3) west; thence north along the west line of section thirty-three (33), township forty-seven (47) north, range three (3) west, to the northwest corner of section thirty-three (33), township forty-seven (47) north, range three (3) west; thence west along the north line of sections thirty-two (32) and thirty-one (31), township forty-seven (47) north, range three (3) west, to the range line between ranges three (3) and four (4) west; thence south along said range line to the northeast corner of section thirty-six (36), township forty-seven (47) north, range four (4) west; thence west along the north line of section thirty-six (36) and thirty-five (35), township forty-seven (47) north, range four (4) west, to the northwest corner of section thirty-five (35), township forty-seven (47) north, range four (4) west; thence south along the west line of said section thirty-five (35), township forty-seven (47) north, range four (4) west, to the southwest corner of said section thirty-five (35), township forty-seven (47) north, range four (4) west; thence west along the north line of township forty-six (46) north, ranges four (4), five (5) and six (6) west (1915, ch. 4, section 3, pp. 7, 8), to the point of intersection of the Idaho-Washington state line with the northern boundary line of township forty-six (46) north of the Boise base line;

Western boundary. Thence north along said state boundary line to a point where the same is intersected by the line between townships fifty-three (53) and fifty-four (54) north;

Northern boundary. Thence east along said township line between townships fifty-three (53) and fifty-four (54) north, to the northeast corner of township fifty-three (53) north, range three (3) west; thence north on the range line between sections thirty-six (36) and thirty-one (31), to the northeast corner of section thirty-six (36), township fifty-four (54) north, range three (3) west; thence east six (6) miles, to the northeast corner of section thirty-six (36), township fifty-four (54) north, range two (2) west; thence south along the range line between ranges one (1) and two (2) west, to the southwest corner of township fifty-three (53) north, range one (1) west; thence east on the township line between townships fifty-two (52) and fifty-three (53) north, to ~~the intersection of the said line with the western boundary of Shoshone county (1909, p. 318)~~ the northeast corner of section four (4), township fifty-two (52), range one (1) east, being the northeast corner of Kootenai county with Bonner county to the north and Shoshone county to the east;

Eastern boundary. Thence south along the western boundary of Shoshone county, to the south quarter corner of section fifteen (15), township forty-seven (47) north, range one (1) east, and the point of beginning (1915, ch. 4, section 2, p. 6).

County seat--Coeur d'Alene.

SECTION 5. That Section 31-131, Idaho Code, be, and the same is hereby amended to read as follows:

31-131. LATAH COUNTY. Latah county is described as follows: beginning at a point where the middle line of township thirty-seven (37) north intersects the boundary line between the state of Idaho and the state of Washington;

Western boundary. Thence north along the said boundary line to a point where the watershed between Hangman's creek and Palouse river crosses the said boundary line;

Northern boundary. Thence in a southeasterly direction along the said watershed to a point where this line crosses the section line between sections twenty-seven (27) and twenty-eight (28), township forty-three (43) north, range four (4) west; thence south on the said section line to the section corner common to sections twenty-seven (27), twenty-eight (28), thirty-three (33) and thirty-four (34), in the same township and range; thence east on this section line to the eastern boundary of the said township and range; thence north on the range line to the northwest corner of section thirty-one (31), township forty-three (43) north, range three (3) west; thence east along the section line running on the north of said section thirty-one (31), to the northeast corner of section thirty-three (33), township forty-three (43) north, range one (1) west; thence south one (1) mile, to the township line between townships forty-two (42) and forty-three (43) north; thence east along the said township line ~~to a point directly north of the mouth of the North Fork of the Clearwater river~~ approximately 6 miles to the northeast corner of section four (4), township forty-two (42) north, range one (1) east, being the northeast corner of Latah county with Benewah county to the north and Shoshone county to the east;

Eastern boundary. Thence south ~~to the middle line of township thirty-eight (38) north~~ along the section lines, approximately 2 miles to the southeast corner of section nine (9), township forty-two (42) north, range one (1) east;

Thence east along the section line, approximately 1 half mile to the north quarter corner of section fifteen (15), township forty-two (42) north, range one (1) east;

Thence south along the midsection line, approximately 2 miles to the south quarter corner of section twenty-two (22), township forty-two (42) north, range one (1) east;

Thence west along the section line, approximately 1 quarter mile to the west sixteenth corner of sections twenty-two (22) and twenty-seven (27), township forty-two (42) north, range one (1) east;

Thence west along the section line, 90 feet to a duly surveyed property corner monument;

Thence south along the property line, approximately 1 half mile to a duly surveyed property corner monument;

Thence east along the section subdivision line, 90 feet to the center west sixteenth corner of section twenty-seven (27);

Thence south along sixteenth section subdivision lines, approximately 1 and 1 half miles to the west sixteenth corner of sections thirty-four (34) and three (3), township forty-two (42) north and township forty-one (41) north, range one (1) east;

Thence east along the township line, approximately 1 quarter mile to the north quarter corner of section three (3), township forty-one (41) north, range one (1) east, being the northwest corner of Clearwater county with Shoshone county to the north and Latah county to the west;

Thence south along midsection lines, approximately 6 miles to the south quarter corner of section thirty-four (34), township forty-one (41) north, range one (1) east;

Thence west along the township line, approximately 22.8 chains (1,505 feet) to the west sixteenth corner of section three (3), township forty (40) north, range one (1) east;

Thence south along sixteenth section subdivision lines, approximately 1 mile to the west sixteenth corner of sections three (3) and ten (10), township forty (40) north, range one (1) east;

Thence west along the section line, 90 feet to a duly surveyed property corner monument;

Thence south along the property line, approximately 1 quarter mile to a duly surveyed property corner monument;

Thence east along the section subdivision line, 90 feet to the northwest sixteenth corner of section ten (10), township forty (40) north, range one (1) east;

Thence south along sixteenth section subdivision lines, approximately 4 and 3 quarter miles to the west sixteenth corner of sections thirty-four (34) and three (3), townships forty (40) north and thirty-nine (39) north, range one (1) east;

Thence west along the township line, approximately 90 feet to an unmonumented property corner;

Thence south approximately 1 half mile to a duly surveyed property corner monument;

Thence south approximately 1 half mile to a duly surveyed property corner on the south line of section three (3), township thirty-nine (39), range one (1) east;

Thence west along the section line approximately 1230 feet to the north-east corner of section nine (9), township thirty-nine (39) north, range one (1) east;

Thence south along section lines, approximately 5 miles to the south-east corner of section thirty-three (33), township thirty-nine (39) north, range one (1) east;

Thence east along the township line, approximately 5.83 chains (385 feet) to the northeast corner of section four (4), township thirty-eight (38) north, range one (1) east;

Thence south along section lines, approximately 3 miles to the middle line of the township, and the southeast corner of section sixteen (16), township thirty-eight (38) north, range one (1) east, being the southeast corner of Latah county with Clearwater county to the east and south;

Southern boundary. Thence west on the middle line of township thirty-eight (38) north to the point of intersection of said middle line and the center of Big Potlatch creek; thence along the average center of said creek south $41^{\circ}29'00''$ west 433.17 feet; thence south $83^{\circ}01'30''$ west 555.76 feet; thence north $72^{\circ}43'45''$ west 486.51 feet; thence north $41^{\circ}28'30''$ west 762.95 feet; thence north $72^{\circ}52'00''$ west 134.45 feet; to a point which is north 358.29 feet from the corner common to Sections 16, 17, 20 and 21, township thirty-eight (38) north, range 2 west, Boise Meridian; thence north $72^{\circ}52'00''$ west 2007.63 feet; thence south $48^{\circ}22'30''$ west 949.70 feet; thence north $88^{\circ}25'15''$ west 1485.48 feet; thence south $45^{\circ}57'45''$ west 770.90 feet; thence north $82^{\circ}46'15''$ west 750.35 feet; thence south $43^{\circ}28'45''$ west 1160.84 feet; thence south $65^{\circ}32'00''$ west 804.18 feet; thence south $46^{\circ}29'30''$ west 527.72 feet; thence south $53^{\circ}01'15''$ west 717.00 feet; to a point which is south 2073.86 feet from the one-quarter corner common to Sections 18 and 19 township thirty-eight (38) north, range 2 west, Boise Meridian; thence south $53^{\circ}01'15''$ west 685.19 feet; thence south $30^{\circ}54'30''$ west 1373.34 feet; thence south $84^{\circ}44'45''$ west 1151.76 feet; thence south $21^{\circ}04'00''$ east 1132.26 feet; thence south $05^{\circ}04'00''$ west 902.41 feet; thence south $78^{\circ}56'15''$ west 493.86 feet; to a point which is south 657.49 feet from the corner common to Sections 24, 19, 31 and 25, township thirty-eight (38) north, range 3 west and range 2 west, Boise Meridian; thence south $78^{\circ}56'15''$ west 136.97 feet; thence north $87^{\circ}54'15''$ west 2370.65 feet; thence south $73^{\circ}27'15''$ west 1216.03 feet; thence south $34^{\circ}56'45''$ west 2443.32 feet; thence south $55^{\circ}35'15''$ west 258.89 feet; to a point which is south 447.50 feet from the one-quarter corner common to Sections 26 and 25, township thirty-eight (38) north, range 3 west, Boise Meridian; thence south $55^{\circ}35'15''$ west 2071.08 feet; thence south $42^{\circ}55'30''$ west 1609.29 feet; to a point which is located west 2811.85 feet from the corner common to Sections 26, 25, 36 and 35, township thirty-eight (38) north, range 3 west, Boise Meridian; thence south $44^{\circ}33'29''$ west 950.95 feet; thence south $07^{\circ}36'44''$ west 869.85 feet; thence south $28^{\circ}34'42''$ west 740.46 feet; thence south $30^{\circ}26'40''$ west 397.99 feet; thence south $03^{\circ}38'57''$ west 618.32 feet; thence south $38^{\circ}21'12''$ west 690.57 feet; thence south $54^{\circ}22'07''$ west 56.90 feet; thence south $69^{\circ}39'54''$ west 343.03 feet; thence south $82^{\circ}19'22''$ west 333.65 feet; thence south $65^{\circ}55'57''$ west 647.97 feet; thence south $63^{\circ}14'18''$ west 784.25 feet; thence north $85^{\circ}46'49''$ west 1140.68 feet; thence south $37^{\circ}18'55''$ west 820.62 feet; thence south $30^{\circ}42'01''$ west 840.83 feet; thence south $02^{\circ}55'30''$ east 1395.50 feet; thence south $10^{\circ}47'35''$ west 233.84 feet; thence south $52^{\circ}26'42''$ west 474.82 feet; thence south $31^{\circ}23'33''$ west 1307.49 feet; thence south $15^{\circ}45'00''$ west 732.84 feet; thence south $10^{\circ}27'38''$ east 755.37 feet; to a point which is east 662.51 feet and north $02^{\circ}06'09''$ west 8.57 feet from the corner common to Sections 3, 4, 9 and 10, township thirty-seven (37) north, range 3 west, Boise Meridian, which corner is marked by a Brass Cap Monument set 1556.70 feet east of said corner set by James W. Grow, R.L.S. #749; thence south $02^{\circ}06'09''$ east 317.10 feet; thence south $11^{\circ}10'52''$ west 528.81 feet; thence south $33^{\circ}23'33''$ west 1343.54 feet; thence south $18^{\circ}47'37''$ east 514.74 feet; thence south $18^{\circ}33'57''$ west 902.43 feet; thence south $10^{\circ}36'14''$ west 654.11 feet; thence south $21^{\circ}02'12''$ west 343.00 feet; thence south $31^{\circ}52'33''$ west 896.41 feet; to a point that is west 983.97 feet and north $05^{\circ}04'43''$ east 80.67 feet from the corner common to Sections 9, 10, 15 and 16, township thirty-seven (37) north, range 3 west, Boise Meridian, being marked by a $5/8''$ iron pin set in a mound of stone by James W. Grow, R.L.S. #749, and by a Brass Cap Monument set 1136.66 feet west of said section corner; thence south $05^{\circ}04'43''$ west 488.49 feet; thence south $15^{\circ}20'14''$ west 272.28 feet; thence south $27^{\circ}52'57''$ west 661.93 feet; thence south $57^{\circ}36'12''$ west 456.93 feet; thence south $21^{\circ}50'14''$ west 385.38 feet; thence south $12^{\circ}45'28''$ east 367.96 feet; thence south $67^{\circ}00'39''$ east 464.34 feet; thence south $22^{\circ}07'05''$ west 1097.33 feet; thence south $33^{\circ}13'49''$ west 576.62 feet; thence south $13^{\circ}03'47''$ east 296.08 feet; thence south $34^{\circ}16'41''$ west 1198.35 feet; thence south $21^{\circ}36'07''$ west 183.18

feet; to a point on the north line of Section 21, township thirty-seven (37) north, range 3 west, Boise Meridian, said point being east 1482.32 feet from the northwest corner of said Section 21, which corner is marked by a Brass Cap Monument lying east 1845.18 feet from said corner; thence west along the middle line of township thirty-seven (37) north to the point of beginning.

County Seat--Moscow.

SECTION 6. That Section 31-142, Idaho Code, be, and the same is hereby amended to read as follows:

31-142. SHOSHONE COUNTY. Shoshone county is described as follows: beginning at a point where the township line between townships forty-one (41) and forty-two (42) north, intersects the western boundary of the state of Montana;

Eastern boundary. Thence in a northerly direction along the said boundary and with the ~~Bitter Root~~ Bitterroot range of mountains until the said range turns in a westerly direction and is called Coeur d'Alene.

Northern boundary. Thence with the said Coeur d'Alene range of mountains in a westerly direction until a point is attained ~~north of the mouth of the North Fork of the Clearwater river~~ on the west line of section twenty-two (22), township fifty-four (54) north, range one (1) east, being the northwest corner of Shoshone county with Bonner county to the north and west;

Western boundary. ~~Thence south to the township line between townships forty-one (41) and forty-two (42) north;~~ Thence south along the section lines, approximately 2 and 3 quarter miles to the southwest corner of section thirty-four (34), township fifty-four (54) north, range one (1) east;

Thence west along the township line, approximately 0.64 chains (42 feet) to the northwest corner of section three (3), township fifty-three (53) north, range one (1) east;

Thence south along the section lines, approximately 2 miles to the southwest corner of section ten (10), township fifty-three (53) north, range one (1) east;

Thence east along the section line, approximately 1 half mile to the south quarter corner of section ten (10), township fifty-three (53) north, range one (1) east;

Thence south along the midsection lines, approximately 4 miles to the south quarter corner of section thirty-four (34), township fifty-three (53) north, range one (1) east, being the southeast corner of Bonner county with Shoshone county to the south and east;

Thence west along the township line, approximately 32.24 chains (2,128 feet) to the northwest corner of section three (3), township fifty-two (52) north, range one (1) east, being the northeast corner of Kootenai county with Bonner county to the north and Shoshone county to the east;

Thence south along the section lines, approximately 12 miles to the southwest corner of section thirty-four (34), township fifty-one (51) north, range one (1) east;

Thence east along the township line, approximately 1 half mile to the north quarter corner of section three (3), township fifty (50) north, range one (1) east;

Thence south along the midsection lines, approximately 6 miles to the south quarter corner of section thirty-four (34), township fifty (50) north, range one (1) east;

Thence west along the township line, approximately 3.74 chains (247 feet) to the north quarter corner of section three (3), township forty-nine (49) north, range one (1) east;

Thence south along the midsection lines, approximately 2 miles to the south quarter corner of section ten (10), township forty-nine (49) north, range one (1) east;

Thence west along the section line, approximately 1 quarter mile to the west sixteenth corner of sections ten (10) and fifteen (15), township forty-nine (49) north, range one (1) east;

Thence south along the sixteenth section subdivision lines, approximately 4 miles to the west sixteenth corner of section thirty-four (34), township forty-nine (49) north, range one (1) east;

Thence west along the township line, approximately 3.40 chains (224 feet) to the west sixteenth corner of section three (3), township forty-eight (48) north, range one (1) east;

Thence south along the sixteenth section subdivision lines, approximately 5 and 1 half miles to the center west sixteenth corner of section thirty-four (34), township forty-eight (48) north, range one (1) east;

Thence west along the section subdivision line, approximately 90 feet to a duly surveyed property corner monument;

Thence south along the property line, approximately 1 half mile to a duly surveyed property corner monument on the township line;

Thence east along the township line, approximately 90 feet to the west sixteenth corner of section thirty-four (34), township forty-eight (48) north, range one (1) east;

Thence east along the township line, approximately 1 quarter mile to the south quarter corner of section thirty-four (34), township forty-eight (48) north, range one (1) east;

Thence east along the township line, approximately 1.55 chains (102 feet) to the north quarter corner of section three (3), township forty-seven (47) north, range one (1) east;

Thence south along the midsection lines, approximately 3 miles to the south quarter corner of section fifteen (15), township forty-seven (47) north, range one (1) east, being the southeast corner of Kootenai county with Shoshone county to the east and south;

Thence west along the section line, approximately 1 half mile to the northwest corner of section twenty-two (22), township forty-seven (47) north, range one (1) east, being the northeast corner of Benewah county with Kootenai county to the north and Shoshone county to the east;

Thence south along the section lines, approximately 2 miles to the southwest corner of section twenty-seven (27), township forty-seven (47) north, range one (1) east;

Thence east along the section line approximately 1 half mile to the south quarter corner of section twenty-seven (27), township forty-seven (47) north, range one (1) east;

Thence south along the midsection lines, approximately 4 miles to the south quarter corner of section fifteen (15), township forty-six (46) north, range one (1) east;

Thence west along the section line approximately 1 quarter mile to the west sixteenth corner of section fifteen (15) and section twenty-two (22), township forty-six (46) north, range one (1) east;

Thence south along the sixteenth section subdivision line, approximately 1 mile to the west sixteenth corner of section twenty-two (22) and section twenty-seven (27), township forty-six (46) north, range one (1) east;

Thence east along the section line approximately 1 quarter mile to the north quarter corner of section twenty-seven (27), township forty-six (46) north, range one (1) east;

Thence south along the midsection lines, approximately 2 miles to the south quarter corner of section thirty-four (34), township forty-six (46) north, range one (1) east;

Thence west along the township line, approximately 1 half mile to the northwest corner of section three (3), township forty-five (45) north, range one (1) east;

Thence south along the section lines, approximately 6 miles to the southwest corner of section thirty-four (34), township forty-five (45) north, range one (1) east;

Thence east along the township line, approximately 14.24 chains (940 feet) to the west sixteenth corner of section three (3), township forty-four (44) north, range one (1) east;

Thence south along the sixteenth section subdivision lines, approximately 12 miles to the west sixteenth corner of section thirty-four (34), township forty-three (43) north, range one (1) east, being the southeast corner of Benewah county with Shoshone county to the east and south;

Thence west along the township line, approximately 15.50 chains (1,023 feet) to the northwest corner of section three (3), township forty-two (42) north, range one (1) east, being the northeast corner of Latah county with Benewah county to the north and Shoshone county to the east;

Thence south along the section lines, approximately 2 miles to the southwest corner of section ten (10), township forty-two (42) north, range one (1) east;

Thence east along the section line, approximately 1 half mile to the south quarter corner of section ten (10), township forty-two (42) north, range one (1) east;

Thence south along the midsection line, approximately 2 miles to the south quarter corner of section twenty-two (22), township forty-two (42) north, range one (1) east;

Thence west along the section line, approximately 1 quarter mile to the west sixteenth corner of sections twenty-two (22) and twenty-seven (27);

Thence west along the section line, 90 feet to a duly surveyed property corner monument;

Thence south along the property line, approximately 1 half mile to a duly surveyed property corner monument;

Thence east along the section subdivision line, 90 feet to the center west sixteenth corner of section twenty-seven (27);

Thence south along sixteenth section subdivision lines, approximately 1 and 1 half miles to the west sixteenth corner of sections thirty-four (34) and three (3), township forty-two (42) north and township forty-one (41) north, range one (1) east, being the southwest corner of Shoshone county with Latah county to the west and Clearwater county to the south;

Southern boundary. Thence east on the said township line to the intersection of the same with the boundary line of the state of Montana, the place of beginning.

County seat--Wallace.

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

Approved March 28, 2024

CHAPTER 223
(H.B. No. 687)

AN ACT

RELATING TO THE KOOTENAI RIVER; AMENDING CHAPTER 14, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-1406D, IDAHO CODE, TO PROVIDE FOR THE KOOTENAI RIVER WATER RIGHTS ADJUDICATION; AMENDING SECTION 42-1425, IDAHO CODE, TO PROVIDE LEGISLATIVE FINDINGS REGARDING THE KOOTENAI RIVER BASIN ADJUDICATION; AMENDING SECTION 42-1426, IDAHO CODE, TO REVISE PROVISIONS REGARDING ADJUDICATION COMMENCEMENT DATES; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 14, Title 42, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 42-1406D, Idaho Code, and to read as follows:

42-1406D. KOOTENAI RIVER WATER RIGHTS ADJUDICATION -- COMMENCEMENT. (1) Effective management of the waters of the Kootenai River basin requires that a comprehensive determination of the nature, extent, and priority of the rights of all users of surface and ground water be determined. Therefore, the director of the department of water resources is authorized to petition the district court to commence an adjudication within the terms of the McCarran amendment, 43 U.S.C. 666, of the water rights from surface water and ground water sources in the Kootenai River basin. The petition shall describe the boundaries of the water sources to be adjudicated and contain a request that a commencement order be issued only if the court determines it is possible to defer the adjudication of domestic and stock water rights as defined by section 42-1401A(4) and (11), Idaho Code, within the terms of the McCarran amendment.

(2) The adjudication shall be brought in any district court in which any part of the water source is located or before a court of special jurisdiction for water right adjudications. Unless otherwise ordered by the supreme court, special jurisdiction for the general adjudication authorized by this section shall reside in the Snake River Basin Adjudication district court of the fifth judicial district of the state of Idaho, in and for the county of Twin Falls. The clerk of the district court in which the petition is filed shall send to the supreme court a true and certified copy of the petition. The supreme court, by order, shall assign the judge to preside over the general adjudication. Venue of the general adjudication shall be determined by order or rule of the supreme court and venue of hearings under the general adjudication shall be determined by order of the presiding judge.

(3) Once the district court issues an order that authorizes the director to commence an investigation and determination of the water rights within the boundaries of the adjudication and defines the boundaries of the adjudication, the director of the department of water resources shall proceed in the manner provided under the provisions of this chapter to the extent not inconsistent with the provisions of this section.

SECTION 2. That Section 42-1425, Idaho Code, be, and the same is hereby amended to read as follows:

42-1425. ACCOMPLISHED TRANSFERS. (1) Legislative findings regarding accomplished transfers and the public interest.

(a) The legislature finds and declares that, prior to the commencement of the Snake River basin adjudication, the northern Idaho adjudications, and the Bear River basin adjudication, and the Kootenai River basin adjudication, many persons entitled to the use of water or owning land to which water has been made appurtenant either by decree of the court or under provisions of the constitution and statutes of this state changed the place of use, point of diversion, nature or purpose of use, or period of use of their water rights without compliance with the transfer provisions of sections 42-108 and 42-222, Idaho Code.

(b) The legislature finds that many of these changes occurred with the knowledge of other water users and that the water has been distributed to the right as changed. The legislature further finds and declares that the continuation of the historic water use patterns resulting from these changes is in the local public interest provided no other existing water right was injured at the time of the change. Denial of a claim based solely upon a failure to comply with sections 42-108 and 42-222, Idaho Code, where no injury or enlargement exists, would cause significant undue financial impact to a claimant and the local economy. Approval of the accomplished transfer through the procedure set forth in this section avoids the harsh economic impacts that would result from a denial of the claim.

(c) The legislature further finds and declares that examination of these changes by the director through the procedures of section 42-222, Idaho Code, would be impractical and unduly burdensome. The more limited examination of these changes provided for in this section constitutes a reasonable procedure for an expeditious review by the director while ensuring that the changes do not injure other existing water rights or constitute an enlargement of use of the original right.

(2) Any change of place of use, point of diversion, nature or purpose of use, or period of use of a water right by any person entitled to use of water or owning any land to which water has been made appurtenant, either by decree of the court or under the provisions of the constitution and statutes of this state, prior to November 19, 1987, the date of commencement of the Snake River basin adjudication, prior to January 1, 2006, for the northern Idaho adjudications authorized by section 42-1406B, Idaho Code, and prior to the date of commencement of the Bear River basin adjudication authorized by section 42-1406C, Idaho Code, and prior to the date of commencement of the Kootenai River basin adjudication authorized by section 42-1406D, Idaho Code, may be claimed in the applicable general adjudication even though the person has not complied with sections 42-108 and 42-222, Idaho Code, provided no other water rights existing on the date of the change were injured and the change did not result in an enlargement of the original right. Except for the consent requirements of section 42-108, Idaho Code, all requirements of sections 42-108 and 42-222, Idaho Code, are hereby waived in accordance with the following procedures:

(a) If an objection is filed to a recommendation for accomplished change of place of use, point of diversion, nature or purpose of use, or period of use, the district court shall remand the water right to the director for further hearing to determine whether the change injured a water right existing on the date of the change or constituted an enlargement of the original right. After a hearing, the director shall submit a supplemental report to the district court setting forth his findings and conclusions. If the claimant or any person who filed an objection to the accomplished transfer is aggrieved by the director's determination, they may seek review before the district court. If the change is disallowed, the claimant shall be entitled to resume use of the original water right, provided such resumption of use will not cause

injury or can be mitigated to prevent injury to existing water rights. The unapproved change shall not be deemed a forfeiture or abandonment of the original water right.

(b) This section is not applicable to any claim based upon an enlargement of use.

SECTION 3. That Section 42-1426, Idaho Code, be, and the same is hereby amended to read as follows:

42-1426. ENLARGEMENTS -- WAIVER OF MANDATORY PERMIT REQUIREMENTS. (1) Legislative findings regarding enlargements:

(a) The legislature finds that several adjudications of water rights were commenced or will be commenced in the state of Idaho subsequent to the mandatory permit system provided in sections 42-201 and 42-229, Idaho Code. These adjudications include the following, with associated commencement dates:

(i) Snake River basin adjudication, November 19, 1987;

(ii) Coeur d'Alene-Spokane River basin adjudication, November 12, 2008;

(iii) Palouse River basin adjudication, March 1, 2017;

(iv) Clark Fork-Pend Oreille River basin adjudication, ~~not yet commenced~~, and June 15, 2021;

(v) Bear River basin adjudication, ~~not yet commenced~~. June 15, 2021; and

(vi) Kootenai River basin adjudication, not yet commenced.

Persons entitled to the use of water or owning any land to which water has been made appurtenant by decree, license or constitutional appropriation have, through water conservation and other means, enlarged the use of said water without increasing the rate of diversion and without complying with the mandatory permit system adopted by the legislature. Enlargements have been done with the knowledge of other water users, and water has been distributed based upon the right as enlarged. Junior water users made appropriations based upon a water system that reflected these enlarged uses. Thus, the legislature further finds and declares that it is in the public interest to waive the mandatory permit requirements for these enlargements in use prior to the commencement of a general adjudication, as long as such enlargements in use did not increase the rate of diversion of the original water right or exceed the rate of diversion for irrigation provided in section 42-202, Idaho Code, after the enlargement of use, and the enlargement of use did not reduce the quantity of water available to other water rights existing on the date of the enlargement in use.

(b) The legislature further finds that it is in the public interest to waive certain statutory provisions for the appropriation of water that has been diverted and applied to beneficial use to ensure the economic and agricultural base in the state of Idaho as it existed on the date of the commencement of an adjudication and to maintain historic water use patterns existing on that date.

(2) The mandatory permit requirements of sections 42-201 and 42-229, Idaho Code, are waived, and a new water right may be decreed for the enlarged use of the original water right based upon the diversion and application to beneficial use, with a priority date as of the date of completion of the enlargement of use for any enlargement occurring on or before the commencement date of an adjudication; provided however, that the rate of diversion of the original water right and the separate water right for the enlarged use, combined, shall not exceed the rate of diversion authorized for the original water right; and further provided, that the enlargement in use did not injure water rights existing on the date of the enlargement of use. An enlargement may be decreed if conditions directly related to the injury can be imposed

on the original water right and the new water right that mitigate any injury to a water right existing on the date of enactment of this act. If injury to a water right later in time cannot be mitigated, then the new right for the enlarged use shall be advanced to a date one (1) day later than the priority date for the junior water right injured by the enlargement. It is further provided that any such enlargement of use allowed in a general adjudication shall not constitute an abandonment or forfeiture of the original water right to the extent of current use.

(3) The director shall publish a notice of enlargement of water right for all water rights recommended under this section. The notice shall contain a summary of the notice of claim and shall be published in the same manner as notices for applications to appropriate water in section 42-203A, Idaho Code. Any person who has filed an application for a water right prior to the enactment of this act or who has been issued a permit for a water right prior to commencement of an adjudication but who has not filed a claim in an adjudication shall have thirty (30) days from the date of last publication of the notice of enlargement of a water right under this section to file a petition with the department of water resources to assert any claimed injury from the enlargement. No appeal of the determination of the department shall be allowed. If the applicant or permittee is dissatisfied with the determination of the department on any claim of injury, the sole remedy is to intervene in the general adjudication and assert their claim of injury in an objection to the water right.

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved March 28, 2024

CHAPTER 224

(H.B. No. 572, As Amended in the Senate)

AN ACT

RELATING TO PREEMPTION OF GUARANTEED INCOME PROGRAMS; AMENDING TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 19, TITLE 56, IDAHO CODE, TO DEFINE A TERM AND TO PROVIDE FOR PREEMPTION OF CERTAIN LAWS, RULES, REGULATIONS, OR ORDINANCES RELATING TO GUARANTEED INCOME PROGRAMS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Title 56, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 19, Title 56, Idaho Code, and to read as follows:

CHAPTER 19

PREEMPTION OF GUARANTEED INCOME PROGRAMS

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

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

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved March 28, 2024

CHAPTER 225
(H.B. No. 597)

AN ACT

RELATING TO IMMUNIZATIONS; AMENDING SECTION 39-4802, IDAHO CODE, TO PROVIDE AN EXEMPTION FOR MAJORITY AGE STUDENTS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 39-4802, Idaho Code, be, and the same is hereby amended to read as follows:

39-4802. EXEMPTIONS. (1) Any minor child whose parent or guardian has submitted to school officials a certificate signed by a physician licensed by the state board of medicine stating that the physical condition of the child is such that all or any of the required immunizations would endanger the life or health of the child shall be exempt from the provisions of this chapter.

(2) Any minor child whose parent or guardian has submitted a signed statement to school officials stating their objections on religious or other grounds shall be exempt from the provisions of this chapter.

(3) School officials shall describe the exemptions provided in this section and provide a citation to this section in any communication to parents and guardians regarding immunization.

(4) Any student of majority age who submits a signed statement to school officials stating the student's objections on religious or other grounds shall be exempt from any or all immunization requirements at every public, private, or parochial school in this state, including postsecondary, trade, college, university, or any other institute of primary, secondary, or higher learning.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved March 28, 2024

CHAPTER 226
(H.B. No. 719)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF EDUCATIONAL SERVICES FOR THE DEAF AND THE BLIND; APPROPRIATING ADDITIONAL MONEYS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF EDUCATIONAL SERVICES FOR THE DEAF AND THE BLIND FOR FISCAL YEAR 2025; APPROPRIATING GENERAL FUND MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND; CLARIFYING THE ORIGINAL FUND SOURCE FOR EXPENDITURES IN THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF EDUCATIONAL SERVICES FOR THE DEAF AND THE BLIND FOR FISCAL YEAR 2025; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the Public Schools Educational Support Program's Division of Educational Services for the Deaf and the Blind the following amounts to be expended from the listed funds for the period July 1, 2024, through June 30, 2025:

FROM:

Public School Income Fund	\$587,400
School for the Deaf and the Blind Endowment Fund	<u>3,600</u>
TOTAL	\$591,000

SECTION 2. There is hereby appropriated and the Office of the State Controller shall transfer \$587,400 from the General Fund to the Public School Income Fund on July 1, 2024, or as soon thereafter as practicable for the period July 1, 2024, through June 30, 2025.

SECTION 3. Of the amounts appropriated in Section 1 of this act for the Public Schools Educational Support Program's Division of Educational Services for the Deaf and the Blind \$587,400 shall be considered expended from the General Fund for the period July 1, 2024, through June 30, 2025.

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July, 1, 2024.

Approved March 28, 2024

CHAPTER 227
(S.B. No. 1403)

AN ACT

RELATING TO PLANNING AND ZONING; AMENDING SECTION 67-6509, IDAHO CODE, TO REVISE PROVISIONS REGARDING COMPREHENSIVE PLANS; AMENDING SECTION 67-6526, IDAHO CODE, TO REVISE PROVISIONS REGARDING AREAS OF IMPACT; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 67-6509, Idaho Code, be, and the same is hereby amended to read as follows:

67-6509. RECOMMENDATION AND ADOPTION, AMENDMENT, AND REPEAL OF THE PLAN. ~~(a)~~ (1) The planning or planning and zoning commission, prior to recommending the plan, amendment, or repeal of the plan to the governing board, shall conduct at least one (1) public hearing in which interested persons shall have an opportunity to be heard. At least fifteen (15) days prior to the hearing, notice of the time and place and a summary of the plan to be discussed shall be published in the official newspaper or paper of general circulation within the jurisdiction. The commission shall also make available a notice to other papers, radio, and television stations serving the jurisdiction for use as a public service announcement. Notice of intent to adopt, repeal, or amend the plan shall be sent to all political subdivisions providing services within the planning jurisdiction, including school districts and the manager or person in charge of the local public airport, at least fifteen (15) days prior to the public hearing scheduled by the commission. Following the commission hearing, if the commission recommends a material change to the proposed amendment to the plan which that was considered at the hearing, it shall give notice of its proposed recommendation and conduct another public hearing concerning the matter if the governing board will not conduct a subsequent public hearing concerning the proposed amendment. If the governing board will conduct a subsequent public hearing, notice of the planning and zoning commission recommendation shall be included in the notice of public hearing provided by the governing board. A record of the hearings, findings made, and actions taken by the commission shall be maintained by the city or county.

~~(b)~~ (2) The governing board, as provided by local ordinance, prior to adoption, amendment, or repeal of the plan, may conduct at least one (1) public hearing, in addition to the public hearing~~(s)~~ or hearings conducted by the commission, using the same notice and hearing procedures as the commission. The governing board shall not hold a public hearing, give notice of a proposed hearing, nor take action upon the plan, amendments, or repeal until recommendations have been received from the commission. ~~Following consideration by the governing board, if the governing board makes a material change in the recommendation or alternative options contained in the recommendation by the commission concerning adoption, amendment or repeal of a plan, further notice and hearing shall be provided before the governing board adopts, amends or repeals the plan.~~

~~(e)~~ (3) No plan shall be effective unless adopted by resolution by the governing board. A resolution enacting or amending a plan or part of a plan may be adopted, amended, or repealed by definitive reference to the specific plan document. A copy of the adopted or amended plan shall accompany each adopting resolution and shall be kept on file with the city clerk or county clerk.

~~(d) (4) Any person may petition the commission or, in absence of a commission, the governing board, for a plan amendment at any time, unless the governing board has established by resolution a minimum interval between consideration of requests to amend, which interval shall not exceed six (6) months. The commission may recommend amendments to the comprehensive plan and to other ordinances authorized by this chapter to the governing board at any time.~~

SECTION 2. That Section 67-6526, Idaho Code, be, and the same is hereby amended to read as follows:

~~67-6526. AREAS OF CITY IMPACT -- NEGOTIATION PROCEDURE. (1) (a) The governing board of each county and each city therein shall adopt by ordinance following the notice and hearing procedures provided in section 67-6509, Idaho Code, a map identifying an area of city impact within the unincorporated area of the county. A separate ordinance providing for application of plans and ordinances for the area of city impact shall be adopted. Subject to the provisions of section 50-222, Idaho Code, an Legislative findings and intent.~~

(a) The legislature finds that areas of impact are properly under the jurisdiction of the county because the elected representatives of citizens in areas of impact are county officials, not city officials. While cities should receive notice of, and may provide input on, applications brought to the county in an area of impact, cities do not govern or control decisions on those applications. County commissioners make the final determination regarding area of impact boundaries within their county.

(b) An area of impact is where growth and development are expected to occur. Areas of impact should be planned for growth and development and should not be used to stop growth and development that conforms to applicable plans and ordinances. Areas of impact should be established, modified, or confirmed based on the ability and likelihood of a city or cities to annex lands within that area of impact in the near future. A city may adopt a comprehensive plan and conduct infrastructure, capital improvement, and other planning activities that extend beyond its current area of impact. Counties and cities shall review their area of impact boundaries at least every five (5) years to determine if modifications are needed or to confirm existing boundaries and may pursue modification of an established area of impact more frequently than every five (5) years.

(c) Prior to conducting the public hearings required under this chapter to establish, modify, or confirm an area of impact, cities and counties should work together to develop a proposed area of impact to be considered at the public hearing.

(d) Decisions regarding the establishment, modification, or confirmation of areas of impact are legislative actions and are not subject to judicial review or challenge except as provided in subsection (5) of this section.

(2) Establishing an area of impact.

(a) Following the notice and hearing procedures provided in section 67-6509, Idaho Code, and in accordance with the provisions of subsection (4) of this section, the board of county commissioners of each county shall adopt by ordinance a map identifying the area of impact within the unincorporated area of the county for each city located in the county. Written notice of the hearing to be conducted under this subsection shall be provided by the county to each owner of property located within a proposed area of impact. If notice is also published pursuant to section 67-6509, Idaho Code, individual property owners may not challenge the proceeding on the basis that they did not actually

receive notice by mail. The cost of the notice shall be reimbursed to the county by the city whose area of impact is under consideration. The board of county commissioners is not required to receive a recommendation from the planning and zoning commission prior to enacting an ordinance establishing an area of impact. An area of city impact must be established before a city may annex adjacent territory pursuant to the provisions of section 50-222, Idaho Code. This separate ordinance shall provide for one (1) of the following:

- ~~(1) Application of the city plan and ordinances adopted under this chapter to the area of city impact; or~~
- ~~(2) Application of the county plan and ordinances adopted under this chapter to the area of city impact; or~~
- ~~(3) Application of any mutually agreed upon plan and ordinances adopted under this chapter to the area of city impact.~~

~~Areas of city impact, together with plan and ordinance requirements, may cross county boundaries by agreement of the city and county concerned if the city is within three (3) miles of the adjoining county.~~

~~(b) If the requirements of section 67-6526(a), Idaho Code, have not been met, either the city or the county may demand compliance with this section by providing written notice to the other of said demand for compliance. Once a demand has been made, the city shall select its representative as hereinafter provided, within thirty (30) days of said demand, and the process set forth in this subsection shall commence. The county commissioners for the county concerned, together with three (3) elected city officials designated by the mayor of the city and confirmed by the council, shall, within thirty (30) days after the city officials have been confirmed by the council, select three (3) city or county residents. These nine (9) persons shall, by majority vote, recommend to the city and county governing boards an area of city impact together with plan and ordinance requirements. The recommendations shall be submitted to the governing boards within one hundred eighty (180) days after the selection of the three (3) members at large and shall be acted upon by the governing boards within sixty (60) days of receipt. If the city or county fails to enact ordinances providing for an area of city impact, plan, and ordinance requirements, either the city or county may seek a declaratory judgment from the district court identifying the area of city impact, and plan and ordinance requirements. In defining an area of city impact, the following factors shall be considered: (1) trade area; (2) geographic factors; and (3) areas that can reasonably be expected to be annexed to the city in the future.~~

(b) If the requirements of paragraph (a) of this subsection are not met in establishing an area of impact, the city may demand compliance with this subsection by providing notice to the board of county commissioners of the demand for compliance. Once a demand has been made, a recommendation committee shall be established. The city and county shall each select a representative to participate on the committee within thirty (30) days of the demand for compliance and the process set forth in this paragraph shall commence.

(i) After the city and county representatives have been selected, they shall in turn select another city representative living within the applicable city and another county representative living in the county and not within any city to serve on the recommending committee. Meetings of the recommending committee may be hosted by the city or county and shall be conducted in accordance with Idaho open meetings law. These four (4) persons shall, by majority vote, provide a written recommendation to the board of county commissioners for an area of impact. The written recommendation shall be submitted to the governing boards within one hundred eighty (180) days after the selection of the recommending committee members.

(ii) If the board of county commissioners fails to enact an ordinance providing for an area of impact within ninety (90) days of receipt of the committee recommendation or expiration of the one hundred eighty (180) days for the committee to make its recommendation, the city may file a petition with the district court to identify the area of impact pursuant to subsection (5) of this section and in accordance with other applicable provisions of this section.

~~(c) If areas of city impact overlap, the cities involved shall negotiate boundary adjustments to be recommended to the respective city councils. If the cities cannot reach agreement, the board of county commissioners shall, upon a request from either city, within thirty (30) days, recommend adjustments to the areas of city impact which shall be adopted by ordinance by the cities following the notice and hearing procedures provided in section 67-6509, Idaho Code. If any city objects to the recommendation of the board of county commissioners, the county shall conduct an election, subject to the provisions of section 34-106, Idaho Code, and establish polling places for the purpose of submitting to the qualified electors residing in the overlapping impact area, the question of which area of city impact the electors wish to reside. The results of the election shall be conclusive and binding, and no further proceedings shall be entertained by the board of county commissioners, and the decision shall not be appealable by either city involved. The clerk of the board of county commissioners shall by abstract of the results of the election, certify that fact, record the same and transmit copies of the original abstract of the result of the election to the clerk of the involved cities.~~

(3) Modification or confirmation of area of impact boundaries.

(a) Modification or confirmation of an existing area of impact boundary may be initiated by a city or cities or the county. If a county is initiating a modification or confirmation of an area of impact, the county shall provide at least thirty (30) days written notice to the applicable city or cities of the hearing on the proposed modification or confirmation. Any modifications to or confirmation of an area of impact boundary must be adopted by an ordinance approved by the board of county commissioners of the applicable county, following the notice and hearing procedures provided in section 67-6509, Idaho Code, and in accordance with the requirements for defining an area of impact as set forth in subsection (4) of this section. At least fifteen (15) days prior to the hearing, written notice of the hearing to be conducted under this paragraph shall be provided by the county to each owner of property located within the portion of the area of impact that is proposed to be modified. If notice is also published pursuant to section 67-6509, Idaho Code, individual property owners may not challenge the proceeding on the basis that they did not actually receive notice by mail. If the modification or confirmation is proposed by a city, then the cost of the notice shall be reimbursed to the county by such city. If the county is pursuing the modification or confirmation, then the cost of notification shall be borne by the county. The board of county commissioners is not required to receive a recommendation from the planning and zoning commission prior to enacting an ordinance modifying or confirming an area of impact.

(b) Where areas of impact abut each other and adjustments are being proposed, or where areas of impact are proposed to abut each other, the cities involved shall negotiate boundary adjustments to be recommended to the respective city councils. The city council of each city must approve the area of impact or modifications thereto to be proposed to the board of county commissioners. These decisions by the city councils are proposals and not subject to judicial review or challenge. If the cities with impact area boundaries that abut or are proposed to abut

each other reach agreement on the proposed boundaries or adjustments thereto, the requested boundaries or adjustments shall be collectively submitted by the cities to the county for consideration in accordance with paragraph (a) of this subsection. If the cities cannot reach agreement, then any or all of the cities involved may submit their requests to the board of county commissioners for consideration pursuant to paragraph (a) of this subsection. In either case, the county shall conduct at least one (1) consolidated public hearing where it considers all such requests together.

(c) The county may accept, reject, or modify a city's requested modification or confirmation regarding an impact area boundary, but if the county does not make a final decision on the request within ninety (90) days of submission of the request, the city may petition the court to make a determination on the request pursuant to subsection (5) of this section.

(4) Provisions applicable to areas of impact.

(a) In defining an initial area of impact or in modifying or confirming an existing area of impact, the criteria set forth in this subsection shall be considered:

(i) Anticipated commercial and residential growth;

(ii) Geographic factors;

(iii) Transportation infrastructure and systems, including connectivity;

(iv) Areas where municipal or public sewer and water are expected to be provided within five (5) years; and

(v) Other public service district boundaries.

(b) In addition to the criteria set forth in paragraph (a) of this subsection, an area of impact shall not exceed the areas that are very likely to be annexed to the city within the next five (5) years. Except as otherwise provided in this paragraph, an area of impact shall not extend more than two (2) miles from existing city limits. An area of impact boundary shall not divide county recognized parcels of land. If only a portion of a recognized parcel falls within the two (2) mile limit, then the boundary may extend beyond two (2) miles on that parcel so that it encompasses the entire parcel. Adjustments to an area of impact may be proposed and considered at any time following the initial establishment of the area of impact.

(c) Areas of impact may cross county boundaries only by approval of the governing board of county commissioners after following the procedures and complying with the requirements for modification or confirmation of an area of impact boundary.

(d) Areas of impact shall not overlap.

(e) The applicable county's comprehensive plan and zoning and subdivision ordinances shall apply in the area of impact. The county may adopt individual county comprehensive plan and zoning and subdivision ordinance provisions regarding a specific area of impact.

(f) Following adoption of an area of impact, the board of county commissioners shall provide the city with written notice at least fifteen (15) days in advance of any county public hearings held pursuant to this chapter or to chapter 13, title 50, Idaho Code, involving land within that area of impact.

~~(d) Areas of city impact, plan, and ordinance requirements shall remain fixed until both governing boards agree to renegotiate. In the event the city and county cannot agree, the judicial review process of subsection (b) of this section shall apply. Renegotiations shall begin within thirty (30) days after written request by the city or county and shall follow the procedures for original negotiation provided in this section.~~

~~(e) Prior to negotiation or renegotiation of areas of city impact, plan, and ordinance requirements, the governing boards shall submit the questions to the planning, zoning, or planning and zoning commission for recommendation. Each commission shall have a reasonable time fixed by the governing board to make its recommendations to the governing board. The governing boards shall undertake a review at least every ten (10) years of the city impact plan and ordinance requirements to determine whether renegotiations are in the best interests of the citizenry.~~

(g) Areas of impact shall remain fixed until modifications are made pursuant to subsection (3) of this section.

(h) Prior to considering a request to establish, modify, or confirm an area of impact, the governing boards may, but are not required to, submit the request to the planning, zoning, or planning and zoning commission for recommendation. Each commission shall have a reasonable time fixed by its governing board in compliance with all required timelines set forth in this section to make its recommendation to the governing board. The county and the city shall undertake a review of the area of impact at least once every five (5) years and shall consider whether adjustments are in the best interests of the citizenry.

~~(f) (i) This section shall not preclude annexation or other growth and development in areas of any county within the state of Idaho which that are not within the areas of city impact provided for herein.~~

(j) The county's decision establishing, modifying, or confirming the boundaries for an area of impact shall be made in writing and shall contain the reasoning of the board of county commissioners, including application of the facts relied upon by the commissioners and the application of the pertinent requirements and criteria to establish or modify an area of impact.

~~(g) (k) If the area of impact has been delimited pursuant to the provisions of subsection (a)(1) of this section properly established, persons living within the delimited area of impact shall be entitled to representation on the planning, zoning, or the planning and zoning commission of the city of impact. Such representation shall as nearly as possible reflect the proportion of population living within the city as opposed to the population living within the areas of impact for that city. To achieve such proportional representation, membership of the planning, zoning or planning and zoning commission, may exceed twelve (12) persons, notwithstanding the provisions of subsection (a) of section 67-6504, Idaho Code. In instances where a city has combined either or both of its planning and zoning functions with the county, representation on the resulting joint planning, zoning or planning and zoning commission shall as nearly as possible reflect the proportion of population living within the impacted city, the area of city impact outside the city, and the remaining unincorporated area of the county. Membership on such a joint planning, zoning or planning and zoning commission may exceed twelve (12) persons, notwithstanding the provisions of subsection (a) of section 67-6504(a), Idaho Code.~~

(5) Petitions for review of establishment, modification, or confirmation of area of impact. The decisions by the board of county commissioners regarding the establishment, modification, or confirmation of areas of impact are legislative actions and are not subject to judicial review, declaratory action, or other legal challenge, except as specifically provided in this subsection.

(a) (i) If a county has not complied with the provisions of subsection (2) or (3) of this section, the city seeking the establishment, modification, or confirmation of an area of impact may petition the district court to establish, modify, or confirm an area of impact that meets the criteria and requirements of subsection (4) of this section in accordance with the procedures provided in this subsection. If the modification of an area of impact boundary involves areas of impact boundaries that abut each other or that are proposed to abut each other, then any city whose area of impact abuts or is proposed to abut another area of impact boundary may file a petition challenging the county's determination regarding only those boundaries that abut or that are proposed to abut each other. Any petition regarding a proposed area of impact or portion thereof that is subject to challenge must be filed in the county in which the proposed area of impact or portion thereof is located.

(ii) Before a city may file a petition for review of an area of impact decision made by the county, as provided in paragraph (a) (i) of this subsection, it must first file a request for reconsideration with the board of county commissioners. Such request must be filed within fourteen (14) days of the issuance of the written decision by the board of county commissioners and must specify deficiencies in the decision of the board of county commissioners. Filing a timely request for reconsideration is a prerequisite to the city having standing to file a petition with the district court. The county shall act on and issue a written decision on the request for reconsideration within thirty (30) days of receipt of the request or the request shall be deemed denied. A petition challenging the decision of the county must be filed by the city within twenty-eight (28) days after the issuance of a decision by the county on the request for reconsideration or expiration of the thirty (30) day period for the county to act on the request.

(b) When filing a petition challenging the decision of the board of county commissioners with the clerk of the court, the petitioner shall pay a fee of one hundred dollars (\$100), which fee shall be in full for all clerk's fees except the regular fees provided by law for appeals. The court shall fix a time for the hearing on the petition to be held no less than thirty (30) days and no more than ninety (90) days from the filing of the petition. The petitioner shall serve or cause to be served a copy of the petition and notice of the hearing on the board of county commissioners or county clerk and the mayor or city clerk of such other city whose area of impact boundary is in question pursuant to paragraph (a) of this subsection at least twenty (20) days before the date of the hearing.

(c) No petition, objection, or reply authorized under this subsection need be verified.

(d) The hearing on a petition filed pursuant to this subsection shall be held within the county in which the area of impact or portion thereof is situated. The regular district court reporter shall reduce to writing the testimony and evidence introduced in the same manner as in a trial of civil actions. The judge of the court, either before or after the hearing, may view the lands pertaining to the proposed area of impact, lands on the outside of the city or cities in the same vicinity in which the lands sought to be included in the area of impact are situated, and other lands within the corporate limits of the city that might in any way be affected by the granting of the petition. The judge may consider such modifications as the judge finds in connection with the evidence introduced at the hearing, in making and arriving at a final decision and determination of the matter.

(e) (i) If the court finds that the board of county commissioners did not follow the notice and hearing requirements provided in this subsection, the court shall remand the matter back to the board of county commissioners to comply with the requirements and issue a new decision. If the court finds that the decision of the board of county commissioners was not arbitrary, capricious, or an abuse of discretion, the court shall affirm the decision of the board of commissioners. If the court finds that the decision of the board of county commissioners was arbitrary, capricious, or an abuse of discretion, the court may remand the matter to the board of county commissioners to correct its decision or the court may determine the appropriate boundaries of the area of impact in question before it. It shall not be necessary for the judge of the court to make written findings of fact or conclusions of law unless the court establishes the area of impact boundary. The court may award attorney's fees and costs to the prevailing party in such an action only if it finds that the other party or parties acted without a reasonable basis in fact or law.

(ii) If the court establishes the area of impact boundary, such boundary shall become the area of impact boundary as of the date of the decree establishing the boundary. Within twenty (20) days after the filing of the decree, the petitioner shall file or cause to be filed with the county recorder and with the city clerk a certified copy of the decree. The board of county commissioners shall adopt an ordinance consistent with the court decree within thirty (30) days of the entry of the decree or be subject to contempt and other sanctions or actions deemed appropriate by the court.

(f) Any city or county aggrieved by the decision of the court may appeal from the decision and judgment to the supreme court. The procedure of the appeal shall be the same as the procedure for appeals from final judgment in civil actions.

(6) Cities and counties shall review their existing areas of impact and shall reestablish the areas in conformance with the provisions of this section by December 31, 2025. Failure to timely conduct such review and reestablishment shall nullify the current area of impact boundaries and require the city and county to go through the process set forth in subsection (2) of this section.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved March 28, 2024

CHAPTER 228
(H.B. No. 518)

AN ACT

RELATING TO THE MEDICAID FRAUD CONTROL UNIT; AMENDING SECTION 56-226, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE AUTHORITY AND RESPONSIBILITY OF THE MEDICAID FRAUD CONTROL UNIT; AMENDING SECTION 56-227A, IDAHO CODE, TO REVISE PROVISIONS REGARDING PENALTIES FOR PROVIDER FRAUD; AMENDING SECTION 56-227C, IDAHO CODE, TO REVISE PROVISIONS REGARDING SUBPOENA POWER; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 56-226, Idaho Code, be, and the same is hereby amended to read as follows:

56-226. MEDICAID FRAUD CONTROL UNIT. (1) There is hereby established in the office of the attorney general the medicaid fraud control unit which shall have the authority and responsibilities as set forth in this section.

(2) Notwithstanding the authority and responsibility granted to the director of the department to provide for fraud control in other aspects of public assistance and public health programs, the medicaid fraud control unit shall have the authority and responsibility to conduct a statewide program for the investigation and prosecution of violations of all applicable Idaho laws pertaining to fraud in the administration of the medicaid program, the provision of medical assistance and in the activities of providers of medical assistance and services under the state plan. Further, upon approval of the inspector general of the relevant federal agency, the office of the attorney general shall have the authority and responsibility to investigate and to prosecute violations of any aspect of the provision of health care services and activities of providers of such services under any federal health care program as defined in 42 U.S.C. section 1320(a)-7b(f)1, if the suspected fraud or violation of law in such investigation or prosecution is substantially related to the state plan. The medicaid fraud control unit shall be under the exclusive control of the attorney general and be separate and distinct from the department. No official from the department shall have authority to review or override the prosecutorial decisions made by the medicaid fraud control unit.

(3) The medicaid fraud control unit shall also:

(a) Review complaints of abuse or neglect of medicaid recipients in health care facilities which receive payment pursuant to the state plan and may review complaints of the misappropriation of patients' private funds in such facilities; and

(b) Review complaints of abuse or neglect of medicaid recipients residing in a board and care facility; and

(c) Review complaints of abuse or neglect of medicaid recipients or the misappropriation of medicaid recipients' private funds in other settings in which the provision of medicaid services is involved.

(4) The medicaid fraud control unit shall attempt to collect or refer to the department for collection overpayments that are made to providers of facilities under the state plan or under any federal health care program to health care facilities that are the result of fraudulent acts and that are discovered by the medicaid fraud control unit in carrying out its responsibilities under this section. Notwithstanding any other provision of Idaho Code, all funds collected by the medicaid fraud control unit in accordance with this subsection (4) shall be deposited into the state general fund.

(5) The office of the attorney general shall employ such auditors, attorneys, investigators and other personnel as are necessary to carry out the responsibilities of the medicaid fraud control unit as set forth under this section.

(6) The office of the attorney general shall submit to the secretary of the federal department of health and human services applications and reports containing such information as is determined by the secretary by regulation to be necessary to meet the requirements of subchapter XIX, chapter 7, title 42, U.S.C.

(7) In carrying out its duties and responsibilities under this section, the medicaid fraud control unit may:

(a) Request and receive the assistance of any prosecutor or law enforcement agency in the investigation and prosecution of any violation of any applicable Idaho laws pertaining to fraud in the administration of the medicaid program, the provision of medical assistance and in the activities of providers of medical assistance and services under the state plan;

(b) Enter upon the premises of any provider participating in the medicaid program to:

(i) Examine all accounts and records that are relevant in determining the existence of fraud in the medicaid program;

(ii) Investigate alleged abuse or neglect of medicaid recipients; or

(iii) Investigate alleged misappropriation of patients' private funds. The accounts or records of a nonmedicaid recipient may not be reviewed by, or turned over to the medicaid fraud control unit without the patient's written consent or a court order; and

(c) Notwithstanding any other provision of law, upon written request have full access to all records held by a medicaid provider, or by any other person on his or her behalf, that are relevant to the determination of the:

(i) Existence of civil violations or criminal offenses under this chapter or related offenses;

(ii) Existence of medicaid recipient abuse, mistreatment or neglect; or

(iii) Theft of medicaid recipient funds.

No person holding such records shall refuse to provide the medicaid fraud control unit access to such records for the purposes described in this section on the basis that release would violate the medicaid recipient's right of privacy or privilege against disclosure or use or any professional or other privilege or right.

(8) The medicaid fraud control unit shall safeguard the privacy rights of medicaid recipients to avoid unnecessary disclosure of personal information concerning named medicaid recipients. The medicaid fraud control unit may transmit such information that it deems appropriate to the department and to other agencies concerned with the regulation of health care facilities or health professionals.

(9) The medicaid fraud control unit shall be permitted to seek court-ordered restitution as reimbursement for the cost of investigation from those individuals successfully prosecuted for violations of any applicable Idaho laws pertaining to fraud in the administration of the medicaid program, the provision of medical assistance, or the activities of providers of medical assistance and services under the state plan. Any restitution payments received pursuant to this section shall be deposited in the state general fund.

~~(9)~~ (10) The attorney general shall have the authority to adopt rules necessary to implement the duties and responsibilities assigned to the medicaid fraud control unit under this section.

~~(10)~~ (11) As used in this section:

(a) "Board and care facility" means a provider of medicaid services in a residential setting which receives payment from or on behalf of two (2) or more unrelated adults who reside in such facility, and for whom one (1) or more of the following is provided:

(i) Nursing care services provided by, or under the supervision of, a registered nurse, licensed practical nurse or certified nurses aide; or

(ii) A substantial amount of personal care services that assist residents with the activities of daily living, including personal hygiene, dressing, bathing, eating, toileting, ambulation, transfer of positions, self-medication, body care, travel to medical services, essential shopping, meal preparation, laundry and housework.

(b) "Department" means the Idaho department of health and welfare.

(c) "Director" means the director of the Idaho department of health and welfare.

(d) "Medicaid" means Idaho's medical assistance program.

(e) "Provider" means any individual, partnership, association, corporation or organization, public or private, which provides residential or assisted living services, certified family home services, nursing facility services or services offered pursuant to medical assistance.

(f) "Recipient" means an individual determined eligible by the director for the services provided in the state plan for medicaid.

(g) "State plan" means the Idaho state plan pursuant to subchapter XIX, chapter 7, title 42 U.S.C.

SECTION 2. That Section 56-227A, Idaho Code, be, and the same is hereby amended to read as follows:

56-227A. PROVIDER FRAUD -- CRIMINAL PENALTY. It shall be unlawful for any provider or person, knowingly, with intent to defraud another, by means of a ~~wilfully~~ false statement or representation or by deliberate concealment of any material fact, or any other fraudulent scheme or device, to:

(a) ~~present~~ Present or cause to be presented for allowance or payment any false or fraudulent claim for furnishing services or supplies; ~~or~~

(b) ~~attempt~~ Attempt to obtain or to obtain authorization for furnishing services or supplies; or

(c) ~~attempt~~ Attempt to obtain or to obtain compensation from public funds greater than that to which he is legally entitled for services or supplies furnished or purportedly furnished.

Any provider or person who violates the provisions of this section shall be guilty of a felony. Nothing and shall be subject to a term of imprisonment not to exceed fifteen (15) years, or a fine not to exceed fifteen thousand dollars (\$15,000), or both, and shall be ordered to make restitution to the department or any other person for any financial loss sustained as a result of a violation of this section. Each instance of violation shall be considered a separate offense, and nothing in this section shall prohibit or preclude a provider or person from being prosecuted under any other provision of the criminal code.

SECTION 3. That Section 56-227C, Idaho Code, be, and the same is hereby amended to read as follows:

56-227C. SUBPOENA POWER. (1) The director, of the Idaho department of health and welfare or his authorized representative, and the director of the Idaho state police or his authorized representative, or the attorney general or his authorized representative, for the purposes contemplated by this act, have power to issue subpoenas, compel the attendance of witnesses, administer oaths, certify to official acts, take depositions within and without the state of Idaho, as now provided by law, compel the production of pertinent books, payrolls, accounts, papers, records, documents and testimony. If a person in attendance before such director or his authorized representative refuses, without reasonable cause, to be examined or to answer a legal and pertinent question, or to produce a book or paper or other evidence when ordered so to do by the director or his authorized representative, said director or his authorized representative may apply to the judge of the district court of the county where such person is in attendance, upon affidavit for an order returnable in not less than two (2) or more than five (5) days, directing such person to show cause before such judge, or any other judge of such district, why he should not be punished for contempt; upon the hearing of such order, if the judge shall determine that such person has refused, without reasonable cause or legal excuse, to be examined or to answer a legal or pertinent question, or to produce a book or paper which he was ordered to bring or produce, he may forthwith punish the offender as for contempt of court.

(a) If any person asks to be excused from attending or testifying or from producing any books, payrolls, accounts, papers, records, documents or other evidence in connection with any investigation or inquiry or upon any hearing before any officer so authorized pursuant to this subsection (1), or in any proceeding or action before any court upon a charge or violation of this subsection (1), on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to penalty or forfeiture, and if such person, notwithstanding such request, is directed to give such testimony or produce such evidence, the person must, if so directed by the director or his authorized representative, comply with such direction.

(b) After complying, and if, but for this subsection (1), the person would have been privileged to withhold the answer given or the evidence produced by him, then the answer, the evidence and any information directly or indirectly derived from the answer or evidence, may not be used against the compelled person in any manner in a criminal case, except that the person may nevertheless be prosecuted or subjected to penalty or forfeiture for any perjury, false swearing or contempt committed in answering or failing to answer or in producing or failing to produce evidence in accordance with the order. Such evidence may be used in the refusal, suspension or revocation of any license, permission or authority conferred, or to be conferred, pursuant to Idaho Code.

(2) The attorney general or any prosecuting attorney or the designated agent of either shall have the authority to issue subpoenas to an enrolled or formerly enrolled provider of services pursuant to the medicaid program to compel production of any books, payrolls, accounts, papers, records or documents that are required to be maintained under the medicaid provider agreement executed by such provider or formerly enrolled provider as may be relevant to an investigation of fraud or other crime directly related to the use of medicaid program funds or services provided through the medicaid program that are not already in the possession of the director of the department of health and welfare or his designated agent. The attorney general or any prosecuting attorney or the designated agent of either may also compel testimony by the custodian of the items subpoenaed concerning the production and authenticity of those items. ~~Subpoenas for records or information which are not required to be maintained under a provider agreement shall only be issued through subpoena powers in judicial proceedings.~~ A subpoena

under this subsection (2) shall describe the items required to be produced with particularity and prescribe a return date of a reasonable period of time within which the items can be assembled and made available to the attorney general or any prosecuting attorney or the designated agent of either.

(3) Subpoenas issued pursuant to this section shall be served and witness fees and mileage paid as allowed in civil cases in the district courts of this state.

(4) Investigators employed by the attorney general for the investigation and prosecution of providers of services pursuant to the medicaid program shall have all the authority given by statute to peace officers of the state of Idaho, including, but not limited to, authority to obtain, serve and execute warrants of arrest and warrants of search and seizure.

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved March 28, 2024

CHAPTER 229
(H.B. No. 638, As Amended)

AN ACT

RELATING TO THE STRATEGIC INITIATIVES GRANT PROGRAM; AMENDING SECTION 40-719, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE STRATEGIC INITIATIVES GRANT PROGRAM; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 40-719, Idaho Code, be, and the same is hereby amended to read as follows:

40-719. STRATEGIC INITIATIVES PROGRAM AND STRATEGIC INITIATIVES GRANT PROGRAM. (1) The Idaho transportation department shall establish and maintain a strategic initiatives program. The purpose of the program is to fund transportation projects that are proposed by the department's six (6) districts and local units of government. Proposed projects shall compete for strategic initiative program selection and funding on a statewide basis based on an analysis of their return on investment in the following categories:

- (a) Safety, including the projected reduction of crashes, injuries and fatalities;
- (b) Mobility, including projected traffic-flow improvements for freight and passenger cars;
- (c) Economic opportunity, including the projected cost-benefit ratio for users and businesses;
- (d) The repair and maintenance of bridges;
- (e) The purchase of public rights-of-way; and
- (f) Child pedestrian safety on the state and local system.

(2) (a) There is hereby established in the state treasury the strategic initiatives program fund, to which shall be deposited any appropriated moneys for funding of the strategic initiatives program.

(b) Unless otherwise specified, moneys transferred into the strategic initiatives program fund after May 30, 2017, shall be apportioned as follows:

(i) Sixty percent (60%) to projects proposed by the Idaho transportation department's six (6) districts; and

(ii) Forty percent (40%) to local units of government for the purpose of operating a strategic initiatives program administered by the local highway technical assistance council (LHTAC) established in section 40-2401, Idaho Code.

(c) The strategic initiatives program for local units of government shall be exempt from the requirements contained in subsection (1) (c) of this section.

(3) (a) ~~The Idaho transportation department~~ LHTAC shall establish and maintain a strategic initiatives grant program, which shall be separate from the strategic initiatives program described in subsections (1) and (2) of this section. The strategic initiatives grant program shall be for the purpose of assisting local units of government to mitigate the impact of new alignments on the state highway projects system on local roads, state highway projects, or for economically significant local transportation projects that require the funding or technical assistance of the Idaho transportation department LHTAC to facilitate.

(b) There is hereby established in the state treasury the strategic initiatives grant program fund, to which shall be deposited any appropriated moneys for funding of the strategic initiatives grant program.

(c) Fifty percent (50%) of the funds appropriated to the strategic initiatives grant program described in this subsection shall be awarded to large urban areas that have a population greater than fifty thousand (50,000), and fifty percent (50%) of such funds shall be awarded to rural areas or to small urban areas with a population that is less than fifty thousand (50,000). ~~For fiscal year 2024 only, the first thirty-six million dollars (\$36,000,000) appropriated to the strategic initiatives grant program shall be used by the Idaho transportation department on local roads to mitigate the impact of adding new connections of state highways to interstate highways.~~ The Idaho transportation department Large urban areas as described in this paragraph shall be required to match twenty percent (20%) of any funds received pursuant to the strategic initiatives grant program. Unsuccessful strategic initiatives grant program applicants shall be required to reapply in order to be considered for a subsequent grant opportunity. LHTAC shall report annually to the transportation and defense committee of the house of representatives and the transportation committee of the senate of the legislature regarding the strategic initiatives grant program.

(4) Interest earned on the investment of idle moneys in the funds established pursuant to this section shall be paid to such funds. All moneys in the strategic initiatives program fund shall be used for funding the strategic initiatives program. All moneys in the strategic initiatives grant program fund shall be used for funding the strategic initiatives grant program. All moneys in the funds established pursuant to this section are hereby continuously appropriated ~~to the Idaho transportation department.~~

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

CHAPTER 230
(H.B. No. 691)

AN ACT

RELATING TO STATE GOVERNMENT; AMENDING CHAPTER 57, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5779, IDAHO CODE, TO PROVIDE THAT NOTICE OF INTENT PRIOR TO AN AGREEMENT TAKING EFFECT SHALL BE REQUIRED IN CERTAIN INSTANCES, TO PROVIDE EXEMPTIONS, TO DEFINE A TERM, TO PROVIDE FOR NULLIFICATION, AND TO PROVIDE FOR A FORM OF A NOTICE OF INTENT; AMENDING SECTION 67-9203, IDAHO CODE, TO REVISE A DEFINITION; AMENDING CHAPTER 92, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-9234, IDAHO CODE, TO PROVIDE THAT NOTICE OF INTENT PRIOR TO AN AGREEMENT TAKING EFFECT SHALL BE REQUIRED IN CERTAIN INSTANCES, TO PROVIDE EXEMPTIONS, TO DEFINE A TERM, TO PROVIDE FOR NULLIFICATION, AND TO PROVIDE FOR A FORM OF A NOTICE OF INTENT; AMENDING SECTION 67-9234, IDAHO CODE, TO REDESIGNATE THE SECTION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 57, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-5779, Idaho Code, and to read as follows:

67-5779. NOTICE OF INTENT PRIOR TO AGREEMENT TAKING EFFECT. (1) Any agency, officer, department, division, bureau, board, commission, and institution of the state, including the public utilities commission and any state institution of higher education, that plans to enter into a contract or agreement with another person or entity in which goods, services, real estate, or other property reasonably valued at more than twenty-five million dollars (\$25,000,000) are acquired, sold, or included in a part of the agreement shall provide a notice of intent in a public disclosure no less than thirty (30) days prior to such agreement being approved. Notice of intent shall be given in a completed form, as provided in subsection (5) of this section.

(2) Transactions that go through a solicitation process as described in chapter 92, title 67, or chapter 9, title 40, Idaho Code; any transactions that have been specifically authorized and appropriated or approved by the legislature; any transactions made during an emergency, as defined in section 46-1002, Idaho Code; any transactions made prior to July 1, 2024; and any legal settlements shall be exempt from the provisions of this section.

(3) As used in this section, "notice" means:

(a) An electronic message of the notice of intent form sent to all legislators and elected executive branch constitutional officers using each of their official state email addresses;

(b) A notice of intent form sent by email to all members of the capitol correspondents association listed in the most recent edition of the legislative directory and other media representatives at the email address, if any, provided to the legislative services office. If no such email address is provided, notice pursuant to this paragraph shall not be required;

(c) A notice of intent form published on the website of the state entity described in subsection (1) of this section and on a social media blog or page, if any, managed by such institution with an opportunity to allow for public comment on the agreement; and

(d) A notice of intent form published one (1) time in one (1) newspaper of general circulation in a county where the decision is to take place.

(4) Any contract or agreement described in subsection (1) of this section that is not exempt pursuant to subsection (2) of this section that substantially fails to follow the notice process required by this section shall be null, void, and of no force and effect.

(5) A notice of intent form as required by this section shall be as follows:

NOTICE OF INTENT TO ENTER INTO AN AGREEMENT AFFECTING MORE THAN
\$25 MILLION

This is notice that _____ (name of board, agency, commission, constitutional officer, or other State of Idaho entity) intends to enter into an agreement to obligate by contract, agreement, or otherwise the State of Idaho in the amount of more than \$25 million or intends to enter into an agreement concerning a transaction in which goods, services, real estate, or other property reasonably valued at more than \$25 million is acquired, sold, or included in a part of the agreement.

Specifically, you are notified that a decision may be made on or after 30 days from the date this notice is sent, and will concern _____ (description of the property involved), at _____ (location including an address of the person or entity that is a party to the transaction or obligation), and _____ (the detailed purpose of the transaction).

This transaction is not being made pursuant to the request for proposals process in Idaho Code, and the transaction has not been specifically approved by the Idaho Legislature.

For further information please contact: (name, title, email address, office address, and phone number)

Dated _____
By _____ (Name and Title)

SECTION 2. That Section 67-9203, Idaho Code, be, and the same is hereby amended to read as follows:

67-9203. DEFINITIONS. As used in this chapter:

- (1) "Acquisition" means the process of procuring property.
- (2) "Administrator" means the administrator of the division of purchasing as created by section 67-9204, Idaho Code.
- (3) "Agency" means all officers, departments, divisions, bureaus, boards, commissions and institutions of the state, including the public utilities commission, but excluding:
 - (a) The legislative and judicial branches of government;
 - (b) The governor, lieutenant governor, secretary of state, state controller, state treasurer, attorney general and superintendent of public instruction; and
 - (c) A Except as provided in section 67-9234, Idaho Code, a state institution of higher education that complies with the provisions of section 67-9225, Idaho Code.
- (4) "Bid" means a written offer to perform a contract to sell or otherwise supply property in response to a solicitation.
- (5) "Bidder" means a vendor who has submitted a bid on property to be acquired by the state.
- (6) "Contract" means an agreement for the acquisition of property, including a purchase order.

(7) "Contractor" means a vendor who has been awarded a contract.

(8) "Director" means the director of the department of administration as created by section 67-5701, Idaho Code.

(9) "Environmental, social, and governance standards" means procurement standards that screen or score bids, in whole or in part, on subjective ethical or sustainability criteria unrelated to the specifications in a solicitation or the qualifications of a bidder.

(10) "Lowest responsible bidder" means the responsible bidder whose bid reflects the lowest acquisition price to be paid by the state, except that when specifications are valued or comparative performance evaluations are conducted, the results of such examinations and the relative score of valued specifications will be weighed, as set out in the specifications, in determining the lowest acquisition price.

(11) "Open contract" means a contract awarded by the state through the division of purchasing as a result of a competitive solicitation to one (1) or more vendors who have agreed to allow all agencies to procure specified property under the terms and conditions set forth in the contract.

(12) "Procure" means to obtain property for state use in a manner other than by gift including, but not limited to, purchase, lease or rent.

(13) "Property" means goods, services, parts, supplies and equipment, both tangible and intangible, including, but not limited to, designs, plans, programs, systems, techniques and any rights or interests in such property.

(14) "Sole source" means the only vendor from whom specific property is available to procure.

(15) "Solicitation" means an invitation to bid, a request for proposal or a request for quote issued pursuant to this chapter for the purpose of procuring property.

(16) "Specifications" means the standards or requirements for property to be procured as explicitly stated in a solicitation or contract.

(17) "State institution of higher education" means Boise state university, Idaho state university or Lewis-Clark state college.

(18) "Vendor" means a person or entity capable of supplying property to the state.

SECTION 3. That Chapter 92, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-9234, Idaho Code, and to read as follows:

67-9234. NOTICE OF INTENT PRIOR TO AGREEMENT TAKING EFFECT. (1) Any agency of this state, including any state institution of higher education, that plans to enter into a contract or agreement with another person or entity in which goods, services, real estate, or other property reasonably valued at more than twenty-five million dollars (\$25,000,000) are acquired, sold, or included in a part of the agreement shall provide a notice of intent in a public disclosure no less than thirty (30) days prior to such agreement being approved. Notice of intent shall be given in a completed form, as provided in subsection (5) of this section.

(2) Transactions that go through a solicitation process as described in chapter 92, title 67, or chapter 9, title 40, Idaho Code; any transactions that have been specifically authorized and appropriated or approved by the legislature; any transactions made during an emergency, as defined in section 46-1002, Idaho Code; any transactions made prior to July 1, 2024; and any legal settlements shall be exempt from the provisions of this section.

(3) As used in this section, "notice" means:

(a) An electronic message of the notice of intent form sent to all legislators and elected executive branch constitutional officers using each of their official state email addresses;

(b) A notice of intent form sent by email to all members of the capitol correspondents association listed in the most recent edition of the legislative directory and other media representatives at the email address, if any, provided to the legislative services office. If no such email address is provided, notice pursuant to this paragraph shall not be required;

(c) A notice of intent form published on the website of the agency and on a social media blog or page, if any, managed by the agency with an opportunity to allow for public comment on the agreement; and

(d) A notice of intent form published one (1) time in one (1) newspaper of general circulation in a county where the decision is to take place.

(4) Any contract or agreement described in subsection (1) of this section that is not exempt pursuant to subsection (2) of this section that substantially fails to follow the notice process required by this section shall be null, void, and of no force and effect.

(5) A notice of intent form as provided in this section shall be as follows:

NOTICE OF INTENT TO ENTER INTO AN AGREEMENT AFFECTING MORE THAN
\$25 MILLION

This is notice that _____ (name of board, agency, commission, constitutional officer, or other State of Idaho entity) intends to enter into an agreement to obligate by contract, agreement, or otherwise the State of Idaho in the amount of more than \$25 million or intends to enter into an agreement concerning a transaction in which goods, services, real estate, or other property reasonably valued at more than \$25 million is acquired, sold, or included in a part of the agreement.

Specifically, you are notified that a decision may be made on or after 30 days from the date this notice is sent, and will concern _____ (description of the property involved), at _____ (location including an address of the person or entity that is a party to the transaction or obligation), and _____ (the detailed purpose of the transaction).

This transaction is not being made pursuant to the request for proposals process in Idaho Code, and the transaction has not been specifically approved by the Idaho Legislature.

For further information please contact: (name, title, email address, office address, and phone number)

Dated _____
By _____ (Name and Title)

SECTION 4. That Section 67-9234, Idaho Code, be, and the same is hereby amended to read as follows:

~~67-9234~~ 67-9235. SEVERABILITY. Insofar as a provision of this chapter or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this chapter.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved March 28, 2024

CHAPTER 231
(S.B. No. 1309, As Amended)

AN ACT

RELATING TO ADOPTION; AMENDING SECTION 18-1511, IDAHO CODE, TO REVISE PROVISIONS REGARDING ALLOWABLE ADOPTION EXPENSES AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 18-1511, Idaho Code, be, and the same is hereby amended to read as follows:

18-1511. SALE OR BARTER OF CHILD FOR ADOPTION OR OTHER PURPOSE PENALIZED -- ALLOWED EXPENSES. (1) Any person or persons who shall sell or barter any child for adoption or for any other purpose, shall be guilty of a felony, and upon conviction shall be punished by imprisonment in the state penitentiary for ~~not~~ no more than fourteen (14) years, or by a fine of ~~not~~ no more than five thousand dollars (\$5,000), or by both such fine and imprisonment.

(2) Provided however, this section shall not prohibit any person or adoption agency from providing, in addition to legal and medical costs, reasonable maternity and living expenses during the pregnancy and for a period not to exceed six (6) weeks ~~post partum~~ postpartum based ~~upon~~ on demonstrated financial need.

(3) Any person or agency seeking to provide financial assistance in excess of ~~five hundred dollars (\$500)~~ two thousand dollars (\$2,000) shall do so after informally submitting to a court of competent jurisdiction a verified financial plan outlining proposed expenditures. The court may approve or amend such a proposal and shall not be required to make any findings prior to an approval. The court shall take into consideration all of the needs of the birth mother from the time of conception of the child, including housing, medical, basic living, transportation, and any increases to cost of living. Only after court approval shall assistance totaling more than five hundred dollars (\$500) become available to the birth parent. A prospective adoptive parent, or another person acting on behalf of a prospective adoptive parent, shall make payments for allowed expenses only to third-party vendors, as is reasonably practical. All actual expenditures shall be presented by verified affidavit ~~of counsel or the agency~~ at the time of the adoption finalization.

(4) ~~No financial assistance to a birth parent shall exceed the sum of two thousand dollars (\$2,000) unless otherwise authorized by the court.~~ The financial assistance contemplated by this section shall be considered a charitable gift, not subject to recovery under the terms of section 16-1515, Idaho Code.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved March 28, 2024

CHAPTER 232
(S.B. No. 1368)

AN ACT

RELATING TO ADOPTION; AMENDING SECTION 18-1511, IDAHO CODE, TO PROHIBIT PLACEMENT OF CHILDREN BY UNLICENSED ORGANIZATIONS AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 18-1511, Idaho Code, be, and the same is hereby amended to read as follows:

18-1511. SALE OR BARTER OF CHILD FOR ADOPTION OR OTHER PURPOSE PENALIZED -- ALLOWED EXPENSES. (1) Any person or persons who shall sell or barter any child for adoption or for any other purpose, shall be guilty of a felony, and upon conviction shall be punished by imprisonment in the state penitentiary for ~~not~~ no more than fourteen (14) years, or by a fine of ~~not~~ no more than five thousand dollars (\$5,000), or by both such fine and imprisonment.

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

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

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

(c) Causes any advertisement to be published in or by any public medium soliciting, requesting, or asking for any child or children for adoption.

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

(4) Provided however, this ~~The provisions of this section shall not prohibit any person, or adoption agency from providing, in addition to legal and medical costs, reasonable maternity and living expenses during the pregnancy and for a period not to exceed six (6) weeks ~~post partum~~ postpartum based upon ~~on~~ demonstrated financial need.~~

(5) Any person or agency, seeking to provide financial assistance in excess of five hundred dollars (\$500) shall do so after informally submitting to a court of competent jurisdiction, a verified financial plan outlining proposed expenditures. The court may approve or amend such a proposal. Only after court approval shall assistance totaling more than five hundred dollars (\$500) become available to the birth parent. A prospective adoptive parent, or another person acting on behalf of a prospective adoptive parent, shall make payments for allowed expenses only to third-party vendors, as is reasonably practical. All actual expenditures shall be presented by verified affidavit of counsel or the agency at the time of the adoption finalization.

(6) No financial assistance to a birth parent shall exceed the sum of two thousand dollars (\$2,000) unless otherwise authorized by the court. The financial assistance contemplated by this section shall be considered a charitable gift, not subject to recovery under the terms of section 16-1515, Idaho Code.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved March 28, 2024

CHAPTER 233
(H.B. No. 629)

AN ACT

RELATING TO DIVORCE ACTIONS; AMENDING SECTION 32-704, IDAHO CODE, TO PROVIDE THAT A GUARDIAN AD LITEM MAY BE APPOINTED FOR A DEPENDENT CHILD IN DIVORCE PROCEEDINGS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 32-704, Idaho Code, be, and the same is hereby amended to read as follows:

32-704. ALLOWANCE OF SUPPORT MONEY, COURT COSTS AND ATTORNEY FEES -- REPRESENTATION OF CHILD. 1. While an action for divorce is pending, the court may, in its discretion, on the motion of either party and upon showing made in conformity with section 32-705 or section 32-706, Idaho Code, whichever be appropriate, order the payment of temporary maintenance of either spouse by the other or temporary support of a child of the marriage, in amounts and on terms just and proper under the circumstances.

2. The court may, in its discretion, on the motion of either party enter a decree of legal separation, providing for custody of children, division of property, payment of debts, payment of child support, and payment of spousal support as set forth in the statutes governing domestic relations.

3. The court may from time to time after considering the financial resources of both parties and the factors set forth in section 32-705, Idaho Code, order a party to pay a reasonable amount for the cost to the other party of maintaining or defending any proceeding under this act and for attorney's fees, including sums for legal services rendered and costs incurred prior to the commencement of the proceeding or after entry of judgment. The court may order that the amount be paid directly to the attorney, who may enforce the order in his name.

4. The court may appoint an attorney or guardian ad litem to represent the interests of a minor or dependent child with respect to his or her support, custody, and visitation, but only in those instances where the court deems legal representation or other assistance is necessary beyond any court ordered and court related services previously authorized for the particular case. The court shall enter an order for costs, fees, and disbursements in favor of the child's attorney or guardian ad litem. The order shall be made against either or both parents, except, if both parties are indigent, the costs, fees, and disbursements shall be borne by the county in which the action is pending.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved March 28, 2024

CHAPTER 234

(H.B. No. 583, As Amended in the Senate)

AN ACT

RELATING TO MOTOR VEHICLES; AMENDING SECTION 49-119, IDAHO CODE, TO REVISE A DEFINITION AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 49-119, Idaho Code, be, and the same is hereby amended to read as follows:

49-119. DEFINITIONS -- R. (1) "Racing" means the use of one (1) or more vehicles in an attempt to outgain, outdistance, or prevent another vehicle from passing, to arrive at a given destination ahead of another vehicle, or to test the physical stamina or endurance of drivers over long-distance driving routes.

(2) "Radio operator, amateur" means any person licensed by the Federal Communications Commission to engage in private and experimental two-way radio operation and holding a conditional class license or higher.

(3) "Railroad" means a carrier of persons or property upon cars operated upon stationary rails.

(4) "Railroad train" means a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails.

(5) "Railroad sign" or "signal" means any sign, signal or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

(6) "Recreational vehicle" means a motor home, travel trailer, fifth-wheel trailer, park model recreational vehicle, truck camper or folding camping trailer, with or without motive power, designed for recreational or emergency occupancy. It does not include ~~pick-up~~ pickup hoods, shells, or canopies designed, created or modified for occupational usage. School buses or van type vehicles which are converted to recreational use, are defined as recreational vehicles.

(7) "Registered maximum gross weight" means the maximum gross weight established on the registration document as declared by the owner at the time of registration or renewal of registration.

(8) "Registered owner" means any person required to register a vehicle, whether or not a lienholder appears on the title in the records of the department.

(9) "Registration" means the registration certificate or certificates and license plate or plates issued under the laws of this state pertaining to the registration of vehicles.

(10) "Rental utility trailer" means a utility trailer offered for hire to the general public for private or commercial use.

(11) "Rescission of sale." (See section 28-2-608, Idaho Code)

(12) "Resident" means for purposes of vehicle registration, titling, a driver's license or an identification card, a person whose domicile has been within Idaho continuously for a period of at least ~~ninety (90)~~ thirty (30) days, excluding a full-time student who is a resident of another state. ~~A person, including a full-time student who has established a domicile in Idaho may declare residency earlier than ninety (90) days for vehicle registration, titling, driver's license and identification card purposes. However, any driver's license or identification card issued to a person who has been domiciled in Idaho for less than thirty (30) days may not be used for identification for the purpose of voting. The department may title or register a vehicle to a person who has an Idaho driver's license or identification card and has been domiciled in Idaho for less than thirty (30) days.~~ Establishment of residency shall include a spouse and dependent children who reside with that person in the domicile. A domicile shall not be a person's workplace, vacation or part-time residence.

(13) "Residential district." (See "District," section 49-105, Idaho Code)

(14) "Residential neighborhood" for purposes of this chapter, is an area abutting a highway which is used primarily for nontransient human habitation, parks and churches.

(15) "Revocation of driver's license" means the termination by formal action of the department or as otherwise provided in this title of a person's driver's license or privilege to operate a motor vehicle on the highways, which terminated driver's license or privilege shall not be subject to renewal or restoration except that an application for a new driver's license may be presented and acted upon by the department after the expiration of the applicable period of time prescribed in this title.

(16) "Revocation of vehicle registration" means the termination by formal action of the department or as otherwise provided in this title of a person's vehicle registration or, in the case of fleets of vehicles, all vehicle registrations in each fleet operated by a company. Upon revocation, the privileges of operating the vehicles on Idaho highways is terminated until the difficulty that caused the revocation is corrected and an application for new registration is presented and acted upon.

(17) "Ridesharing arrangement" means the nonprofit transportation in a passenger motor vehicle with a seating capacity not exceeding fifteen (15) people including the driver, which is not otherwise used for commercial purposes or as a public conveyance, whereby a fixed group, not exceeding fifteen (15) people including passengers and driver, is transported between their residences or nearby termini, and their places of employment or educational or other institutions or termini near those places, in a single daily round trip where the driver is also on the way to or from his place of employment or education or other institution.

(18) "Right-of-way" means the right of one (1) vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other. The term shall not be interpreted to mean that a highway user is relieved from the duty to exercise reasonable care at all times and from doing everything to prevent an accident. Failure to yield right-of-way shall not be construed as negligence per se or as prima facie evidence of negligence.

(19) "Roadway" means that portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of sidewalks, shoulders, berms and rights-of-way.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved March 28, 2024

CHAPTER 235
(H.B. No. 626)

AN ACT

RELATING TO THE ADMINISTRATIVE PROCEDURE ACT; AMENDING SECTION 67-5279, IDAHO CODE, TO PROVIDE FOR A SCOPE OF REVIEW AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 67-5279, Idaho Code, be, and the same is hereby amended to read as follows:

67-5279. SCOPE OF REVIEW -- TYPE OF RELIEF. (1) The court shall not substitute its judgment for that of the agency as to the weight of the evidence on questions of fact.

(2) When the agency was not required by the provisions of this chapter or by other provisions of law to base its action exclusively on a record, the court shall affirm the agency action unless the court finds that the action was:

- (a) ~~in~~ In violation of constitutional or statutory provisions;
- (b) ~~in~~ In excess of the statutory authority of the agency;
- (c) ~~made~~ Made upon unlawful procedure; or
- (d) ~~arbitrary~~ Arbitrary, capricious, or an abuse of discretion.

If the agency action is not affirmed, it shall be set aside, in whole or in part, and remanded for further proceedings as necessary.

(3) When the agency was required by the provisions of this chapter or by other provisions of law to issue an order, the court shall affirm the agency action unless the court finds that the agency's findings, inferences, conclusions, or decisions are:

- (a) ~~in~~ In violation of constitutional or statutory provisions;
- (b) ~~in~~ In excess of the statutory authority of the agency;
- (c) ~~made~~ Made upon unlawful procedure;
- (d) ~~not~~ Not supported by substantial evidence on the record as a whole; or
- (e) ~~arbitrary~~ Arbitrary, capricious, or an abuse of discretion.

If the agency action is not affirmed, it shall be set aside, in whole or in part, and remanded for further proceedings as necessary.

(4) Notwithstanding the provisions of subsections (2) and (3) of this section, agency action shall be affirmed unless substantial rights of the appellant have been prejudiced.

(5) When interpreting the provisions of any state law, this chapter, or any rule, as defined in section 67-5201, Idaho Code, the court shall not defer to an agency's interpretation of the law or rule and shall interpret its meaning and effect de novo. In an action brought by or against an agency, after applying all customary tools of interpretation, the court shall exercise any remaining doubt in favor of a reasonable interpretation that limits agency power and maximizes individual liberty.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved March 28, 2024

CHAPTER 236
(H.B. No. 501, As Amended)

AN ACT

RELATING TO MEDICAL LIENS; AMENDING SECTION 45-702, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE FILING OF CERTAIN HOSPITAL LIENS; AMENDING SECTION 45-704A, IDAHO CODE, TO REVISE PROVISIONS REGARDING CERTAIN LIENS FOR NURSING CARE; AMENDING SECTION 45-704B, IDAHO CODE, TO REVISE PROVISIONS REGARDING CERTAIN LIENS FOR MEDICAL CARE; AMENDING SECTION 48-303, IDAHO CODE, TO PROVIDE FOR THE APPLICATION OF THE IDAHO PATIENT ACT TO CERTAIN LIENS AND TO MAKE TECHNICAL CORRECTIONS; PROVIDING APPLICABILITY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 45-702, Idaho Code, be, and the same is hereby amended to read as follows:

45-702. PERFECTING LIEN -- STATEMENT OF CLAIM -- CONTENTS -- FILING. (1) In order to perfect such lien, an officer or agent of such hospital, ~~before, or within ninety (90) days after, such person shall have been discharged therefrom,~~ shall file in the office of the recorder of the county in which such hospital ~~shall be~~ is located a verified statement in writing setting forth the name and address of such patient, ~~as it shall appear~~ appears on the records of such hospital, the name and location of such hospital, and the name and address of the officer or agent of such hospital filing the lien, the dates of admission to the hospital and discharge of such patient therefrom, the amount claimed to be due for such hospital care, and, to the best of claimant's knowledge, the names and addresses of all persons, firms, or corporations claimed by such injured person or the legal representative of such person, ~~to be liable for damages arising from such injuries, such.~~ The claimant shall also, within one (1) day after the filing of such claim or lien, mail a copy thereof, postage prepaid, to each person, firm, or corporation so claimed to be liable for such damages, at the address so given in such statement.

(2) (a) In the case of a patient who has no third-party payor, as defined in section 48-303, Idaho Code, a lien authorized by this chapter must be filed before or within ninety (90) days after either the date the patient was discharged from the hospital or the last day services were provided to the patient as a result of the injury, whichever is later.

(b) In the case of a patient who has a third-party payor, as defined in section 48-303, Idaho Code, a lien authorized by this chapter may be filed during the ninety (90) day period after either the date the patient was discharged from the hospital or the last day services were provided to the patient as a result of the injury but only after all contracted billing adjustments for the services as ordinarily used with that third-party payor are made, provided that such lien may additionally be filed during the thirty (30) days after the hospital has received payment from the third-party payor.

(3) The filing of such claim or lien shall be notice thereof to all persons, firms, or corporations liable for such damages, whether or not they are named in such claim or lien.

SECTION 2. That Section 45-704A, Idaho Code, be, and the same is hereby amended to read as follows:

45-704A. LIENS FOR NURSING CARE. Every person licensed under the laws of the state of Idaho to render nursing care shall be entitled to a lien for the reasonable charges for nursing care and treatment rendered an injured person upon any and all causes of action, suits, claims, counterclaims, or demands accruing to the person to whom such care and treatment was furnished, or to the legal representatives of such person, on account of injuries giving rise to such causes of action and which that necessitate such nursing care and treatment; ~~said~~. Such a lien shall be perfected within the time prescribed and in the form and manner as provided in section 45-702, Idaho Code; said lien, and shall be recorded and indexed in the manner provided in section 45-703, Idaho Code; said. The lien shall be enforced and/or released in the manner provided in section 45-704, Idaho Code; and if. If the claimant of said lien shall prevail in an action to enforce said lien, the court may allow reasonable attorney's fees and disbursements.

SECTION 3. That Section 45-704B, Idaho Code, be, and the same is hereby amended to read as follows:

45-704B. LIENS FOR MEDICAL CARE. Every individual or association licensed or incorporated under the laws of the state of Idaho to practice medicine and surgery (hereinafter "physician") shall be entitled to a lien for the reasonable charges for medical care and treatment rendered an injured person upon any and all causes of action, suits, claims, counterclaims, or demands accruing to the person to whom such care and treatment was furnished, or to the legal representatives of such person, on account of injuries giving rise to such causes of action and which that necessitate such medical care and treatment. In order to perfect the lien, the physician or his agent shall, ~~before or within ninety (90) days after the last date of medical services for the injury,~~ file the lien within the time prescribed and in the same general form and manner as provided in section 45-702, Idaho Code, in the office of the recorder of the county in which the physician rendered the services. The lien shall be recorded and indexed in the manner provided in section 45-703, Idaho Code. The lien shall be enforced and/or released in the manner provided in section 45-704, Idaho Code. If the claimant of the lien shall prevail prevails in an action to enforce the lien, the court may allow reasonable attorney's fees and disbursements.

SECTION 4. That Section 48-303, Idaho Code, be, and the same is hereby amended to read as follows:

48-303. DEFINITIONS. For the purposes of this chapter:

(1) (a) "Consolidated summary of services" means a written notice that contains, at a minimum, the following:

- (i) The name and contact information, including telephone number, of the patient;
- (ii) The name and contact information, including telephone number, of the health care facility that the patient visited to receive goods or services;
- (iii) The date and duration of the visit to the health care facility by the patient;

(iv) A general description of goods and services provided to the patient during the visit to the health care facility, including the name, address, and telephone number of each billing entity whose health care providers provided the services and goods to the patient; and

(v) A clear and conspicuous notification at the top of the notice that states: "This is Not a Bill. This is a Summary of Medical Services You Received. Retain This Summary for Your Records. Please Contact Your Insurance Company and the Health Care Providers Listed on this Summary to Determine the Final Amount You May Be Obligated to Pay."

(b) For the purpose of calculating timeline requirements in this chapter in the event of multiple notices, a "consolidated summary of services" means the notice that first supplied the information required by paragraph (a) of this subsection if such information did not change in any subsequent notices.

(2) "Contested judgment" means a court judgment sought by one (1) party that is challenged by another party through a filing with the court or by presenting evidence or argument at a hearing before the court.

(3) (a) "Extraordinary collection action" means any of the following actions done in connection with a patient's debt:

(i) Prior to sixty (60) days from the patient's receipt of the final notice before extraordinary collection action, selling, transferring, or assigning any amount of a patient's debt to any third party, or otherwise authorizing any third party to collect the debt in a name other than the name of the health care provider;

(ii) Reporting adverse information about the patient to a consumer reporting agency; or

(iii) Commencing Except as provided in paragraph (c) of this subsection, commencing any judicial or legal action or filing or recording any document in relation thereto, including but not limited to:

1. Placing a lien on a person's property or assets;
2. Attaching or seizing a person's bank account or any other personal property;
3. Initiating a civil action against any person; or
4. Garnishing an individual's wages.

(b) "Extraordinary collection action" does not include an action pursuant to and in compliance with section 28-22-105, Idaho Code.

(c) A provider authorized to file a lien to secure payment of the reasonable value of services provided to an injured patient pursuant to section 45-701, Idaho Code, is not prevented from filing such a lien by the provisions of this chapter, but must do so pursuant to the timeline and provisions of chapter 7, title 45, Idaho Code.

(4) (a) "Final notice before extraordinary collection action" means a written notice that contains, at a minimum, the following:

(i) The name and contact information, including telephone number, of the patient;

(ii) The name and contact information, including telephone number, of the health care facility where the health care provider provided goods and services to the patient;

(iii) A list of the goods and services that the health care provider provided to the patient during the patient's visit to the health care facility, including the initial charges for the goods and services and the date the goods and services were provided, in reasonable detail;

(iv) A statement that a full itemized list of goods and services provided to the patient is available upon the patient's request;

(v) The name of the third-party payors to which the charges for health care services were submitted by the health care provider;

(vi) A detailed description of all reductions, adjustments, offsets, and third-party payor payments, including payments already received from the patient, that adjust the initial charges for the goods and services provided to the patient during the visit; and

(vii) The final amount that the patient is liable to pay after taking into account all applicable reductions, including but not limited to the items identified in subparagraph (vi) of this paragraph.

(b) For the purpose of calculating timeline requirements in this chapter in the event of multiple notices, the "final notice before extraordinary collection action" means the notice that first supplied the information required by paragraph (a) of this subsection if such information did not change in any subsequent notices.

(5) "Health care facility" means any person, entity, or institution operating a physical or virtual location that holds itself out to the public as providing health care services through itself, through its employees, or through third-party health care providers. Health care facilities include but are not limited to hospitals and other licensed inpatient centers; ambulatory surgical or treatment centers; skilled nursing centers; residential treatment centers; urgent care centers; diagnostic, laboratory, and imaging centers; and rehabilitation and other therapeutic health settings, as well as medical transportation providers.

(6) "Health care provider" means:

- (a) A physician or other health care practitioner licensed, accredited, or certified to perform health care services consistent with state law, or any agent or third-party representative thereof; or
- (b) A health care facility or its agent.

(7) "Health care services" means services for the diagnosis, prevention, treatment, cure, or relief of a health condition, illness, injury, or disease.

(8) "Patient" means a person who seeks or receives services from a health care provider. For the purposes of this chapter, "patient" includes a parent if the patient is a minor, a legal guardian if the patient is an adult under guardianship, or any person contractually or otherwise liable for the financial obligations of the person receiving goods or services from the health care provider.

(9) "Third-party payor" means a health carrier as defined in section 41-5903, Idaho Code, or a self-funded plan as defined in section 41-4002 or 41-4102, Idaho Code, and includes multiple third-party payors when applicable.

(10) "Uncontested judgment" means a court judgment sought by one (1) party that is not contested by another party by filing with the court or by presenting evidence or argument at a hearing before the court.

SECTION 5. The provisions of this act shall apply to any services provided to a patient on and after the date of passage and approval of this act.

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

Approved March 28, 2024

CHAPTER 237
(H.B. No. 521)

AN ACT

RELATING TO TAXATION; PROVIDING LEGISLATIVE FINDINGS AND INTENT; AMENDING SECTION 63-3024, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE INCOME TAX RATE ON INDIVIDUALS, ESTATES, AND TRUSTS; AMENDING SECTION 63-3025, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE CORPORATE INCOME TAX RATE; AMENDING SECTION 33-911, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE SCHOOL DISTRICT FACILITIES FUND; AMENDING SECTION 33-102A, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE APPOINTMENT OF AN EXECUTIVE OFFICER OF THE STATE BOARD OF EDUCATION AND TO PROVIDE FOR A CERTAIN REPORT; AMENDING SECTION 33-104, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE CONDUCT OF MEETINGS OF THE STATE BOARD OF EDUCATION; AMENDING SECTION 34-106, IDAHO CODE, TO REMOVE A PROVISION REGARDING SCHOOL DISTRICT BOND AND PROPERTY TAX LEVY ELECTIONS; AMENDING SECTION 33-802A, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE COMPUTATION OF SCHOOL BOND AND INTEREST LEVIES; REPEALING SECTION 33-905, IDAHO CODE, RELATING TO THE SCHOOL DISTRICT BUILDING ACCOUNT; REPEALING SECTION 33-906, IDAHO CODE, RELATING TO THE BOND LEVY EQUALIZATION SUPPORT PROGRAM; REPEALING SECTION 33-906A, IDAHO CODE, RELATING TO THE BOND LEVY EQUALIZATION FUND; REPEALING SECTION 33-906B, IDAHO CODE, RELATING TO A VALUE INDEX CALCULATION; AMENDING SECTION 33-907, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE PUBLIC EDUCATION STABILIZATION FUND; AMENDING CHAPTER 9, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-912, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING THE SCHOOL MODERNIZATION FACILITIES FUND; AMENDING CHAPTER 9, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-913, IDAHO CODE, TO PROVIDE FOR THE ISSUANCE OF BONDS FROM THE SCHOOL MODERNIZATION FACILITIES FUND; AMENDING CHAPTER 9, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-914, IDAHO CODE, TO PROVIDE FOR THE ELECTION OF AN ANNUALIZED OR LUMP SUM DISTRIBUTION FROM THE SCHOOL MODERNIZATION FACILITIES FUND; AMENDING CHAPTER 9, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-915, IDAHO CODE, TO PROVIDE FOR A FIXED DISTRIBUTION FROM THE SCHOOL MODERNIZATION FACILITIES FUND; AMENDING CHAPTER 9, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-916, IDAHO CODE, TO PROVIDE FOR THE ELIGIBILITY OF SCHOOL DISTRICTS FOR SCHOOL MODERNIZATION FACILITIES FUND DISTRIBUTIONS; AMENDING CHAPTER 9, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-917, IDAHO CODE, TO PROVIDE FOR A SCHOOL DISTRICT'S USE OF FUNDS FROM THE SCHOOL MODERNIZATION FACILITIES FUND; AMENDING CHAPTER 9, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-918, IDAHO CODE, TO PROVIDE FOR A BEST PRACTICES PLAN FOR SCHOOL FACILITIES; REPEALING SECTION 33-1018B, IDAHO CODE, RELATING TO SCHOOL BUILDING MAINTENANCE MATCHING FUNDS; REPEALING SECTION 33-1019, IDAHO CODE, RELATING TO A REQUIRED ALLOCATION FOR SCHOOL BUILDING MAINTENANCE; REPEALING SECTION 39-8006A, IDAHO CODE, RELATING TO A BEST PRACTICES MAINTENANCE PLAN FOR SCHOOL BUILDINGS; AMENDING SECTION 57-810, IDAHO CODE, TO REVISE PROVISIONS REGARDING DISTRIBUTION OF CERTAIN EXCESS FUNDS FOR PROPERTY TAX RELIEF; AMENDING SECTION 57-811, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE TAX RELIEF FUND; AMENDING SECTION 63-724, IDAHO CODE, TO REVISE PROVISIONS REGARDING HOMEOWNER PROPERTY TAX RELIEF; AMENDING SECTION 63-2520, IDAHO CODE, TO REMOVE A PROVISION REGARDING A CERTAIN DISTRIBUTION TO THE GENERAL FUND; AMENDING SECTION 63-3638, IDAHO CODE, TO PROVIDE FOR CERTAIN SALES TAX DISTRIBUTIONS; AMENDING SECTION 67-5771A, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE DISTRIBUTION OF UNEXPENDED FUNDS; AMENDING SECTION 67-6409, IDAHO CODE, TO PROVIDE THAT THE STATE

BUILDING AUTHORITY MAY ISSUE BONDS RELATED TO THE SCHOOL MODERNIZATION FACILITIES FUND AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-7434, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE DISTRIBUTION OF LOTTERY INCOME; AMENDING SECTION 33-356, IDAHO CODE, TO REMOVE CODE REFERENCES; AMENDING SECTION 33-1018C, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 33-1102, IDAHO CODE, TO REMOVE A PROVISION REGARDING CERTAIN BONDS; AMENDING SECTION 40-718, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AND DECLARING AN EMERGENCY, PROVIDING RETROACTIVE APPLICATION, AND PROVIDING EFFECTIVE DATES.

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

SECTION 1. LEGISLATIVE FINDINGS AND INTENT. (1) The Legislature finds that the burden of taxation on the people of Idaho is too great.

(2) The Legislature further finds that the primary drivers of this burden are the need for school districts to resort to property taxes to pay for the construction and repair of school facilities and an income tax rate that is in the second highest quintile among states.

(3) Therefore, it is the intent of the Legislature to amend state law to provide income tax relief and reduce the need for and likelihood of school districts resorting to property taxes to meet their school facility needs, including by restricting opportunities to increase school property taxes and directing additional state tax revenues to school facilities, while ensuring accountability for the same.

SECTION 2. That Section 63-3024, Idaho Code, be, and the same is hereby amended to read as follows:

63-3024. INDIVIDUALS' TAX AND TAX ON ESTATES AND TRUSTS. (1) For each taxable year, a tax measured by Idaho taxable income as defined in this chapter is hereby imposed upon every individual, trust, or estate required by this chapter to file a return.

(2) (a) The tax imposed upon individuals, trusts, and estates shall be computed at the rate of ~~five and eight-tenths percent (5.8%)~~ five and six hundred ninety-five thousandths percent (5.695%) of taxable income over two thousand five hundred dollars (\$2,500).

(b) For taxpayers filing a joint return pursuant to the provisions of section 63-3031, Idaho Code, the tax imposed shall be computed at the rate of ~~five and eight-tenths percent (5.8%)~~ five and six hundred ninety-five thousandths percent (5.695%) of taxable income over five thousand dollars (\$5,000). For the purposes of this section, a return of a surviving spouse, as defined in section 2(a) of the Internal Revenue Code, and a head of household, as defined in section 2(b) of the Internal Revenue Code, shall be treated as a joint return.

(3) For taxable year 2000 and each year thereafter, the state tax commission shall prescribe a factor that shall be used to compute the Idaho income tax thresholds provided in subsection (2) of this section. The factor shall provide an adjustment to the Idaho tax thresholds so that inflation will not result in a tax increase. The Idaho tax thresholds shall be adjusted as follows: multiply the last threshold amount by the percentage (the consumer price index for the calendar year immediately preceding the calendar year to which the adjusted threshold amount will apply divided by the consumer price index for calendar year 1998). For the purpose of this computation, the consumer price index for any calendar year is the average of the consumer price index as of the close of the twelve (12) month period for the immediately preceding calendar year, without regard to any subsequent adjustments, as adopted by the state tax commission. This adoption shall be exempt from the provisions of chapter 52, title 67, Idaho Code. The consumer price index shall mean the consumer price index for all U.S. urban consumers

published by the United States department of labor. The state tax commission shall annually include the factor as provided in this subsection to multiply against Idaho taxable income using the thresholds in this section to arrive at that year's Idaho taxable income for tax threshold purposes.

(4) In the case of a trust that is an electing small business trust as defined in section 1361 of the Internal Revenue Code, the special rules for taxation of such trusts contained in section 641 of the Internal Revenue Code shall apply, except that the individual rate provided in subsection (2) (a) of this section shall apply in computing tax due under this chapter.

(5) The state tax commission may promulgate rules defining the conditions upon which such returns shall be filed.

SECTION 3. That Section 63-3025, Idaho Code, be, and the same is hereby amended to read as follows:

63-3025. TAX ON CORPORATE INCOME. (1) For each taxable year, a tax is hereby imposed on the Idaho taxable income of a corporation, other than an S corporation, that transacts or is authorized to transact business in this state or has income attributable to this state. The tax shall be equal to ~~five and eight-tenths percent (5.8%)~~ five and six hundred ninety-five thousandths percent (5.695%) of Idaho taxable income.

(2) In the case of an S corporation that is required to file a return under section 63-3030, Idaho Code, a tax is hereby imposed at the rate provided in subsection (1) of this section upon both:

(a) Net recognized built-in gain attributable to this state. The amount of net recognized built-in gain attributable to this state shall be computed in accordance with section 1374 of the Internal Revenue Code subject to the apportionment and allocation provisions of section 63-3027, Idaho Code; and

(b) Excess net passive income attributable to this state. The amount of excess net passive income attributable to this state shall be computed in accordance with section 1375 of the Internal Revenue Code subject to the apportionment and allocation provisions of section 63-3027, Idaho Code.

(3) The tax imposed by subsection (1) or (2) of this section shall not be less than twenty dollars (\$20.00); provided that the twenty-dollar (\$20.00) minimum payment shall not be collected from nonproductive mining corporations.

(4) The tax imposed by this section shall not apply to corporations taxed pursuant to the provisions of section 63-3025A, Idaho Code.

SECTION 4. That Section 33-911, Idaho Code, be, and the same is hereby amended to read as follows:

33-911. SCHOOL DISTRICT FACILITIES FUND. (1) There is hereby created in the state treasury the school district facilities fund. The fund shall consist of moneys provided pursuant to sections 57-811, and 63-3638, and 67-7434, Idaho Code, and any ~~other~~ legislative transfers or appropriations. Interest earned from the investment of moneys in the fund shall be returned to the fund.

(2) The moneys in the fund shall be distributed by the state controller to the state department of education by August 1 each year for the purpose of construction or renovation of school facilities. The moneys shall be distributed by the state department of education to each school district, as defined in section 33-1001(21), Idaho Code, on a per-pupil basis, first as provided in subsection (7) of this section and then on a per-pupil basis using the average daily attendance calculation provided in section 33-1003A, Idaho Code, except that a student attending less than half-time through a virtual learning program shall not be counted toward that school district's

average daily attendance calculation for each student in kindergarten through grade 12 at physical facilities that are part of and on school grounds of the school district in which the student is enrolled with verification, as needed, by the office of the state board of education. Upon formal approval by the state board of education, a school district may receive an exemption to the physical facility requirement pursuant to this subsection if the student would have attended a physical facility in the school district if not for a stated emergency. The state department of education shall transfer the moneys by no later than August 31 each year to each school district. Such moneys shall be used in place of property tax levy moneys and shall be expended by a school district for one (1) or more of the purposes set forth in paragraphs (a) through (d) of this subsection. Moneys in the fund must be used by a school district in the following order of priority:

(a) Payment of existing school bonds authorized pursuant to chapter 11, title 33, Idaho Code;

(b) Payment of supplemental school levies authorized pursuant to section 33-802, Idaho Code, excluding indefinite term supplemental levies described in section 33-802(5), Idaho Code;

~~(c) Saved in a reserve account by the school district for future school facility construction or renovation needs~~ Payment of school plant facility levies authorized pursuant to sections 33-804 and 33-804A, Idaho Code; and

~~(d) For use in securing and making payments on a new school facilities bond~~ Any moneys that remain following the payments provided in paragraphs (a) through (c) of this subsection may be: used for construction of a new school facility, renovation, or maintenance needs; used to secure and make payments on a new school facilities bond; or saved in a reserve account by the school district for future school facility needs. Uses of funds shall include regular and routine facilities maintenance, including preventive maintenance, building repairs, and building security, and periodic major facilities projects that involve planning, design, construction, renovation, retrofitting, and replacing of buildings and building systems, components, and features, as well as site acquisition, site improvements, and new construction.

(3) The amount of moneys received by a school district pursuant to this section must be deducted from a school levy that would otherwise have been paid by property taxpayers. Such moneys may not be duplicated by the collection of property tax, and no property taxes may be collected in order to make extra payments on expenses described in subsection (2) of this section in excess of required amounts.

(4) Each school district shall identify the amount received in the current year pursuant to this section in the certification of its budget in accordance with section 63-803, Idaho Code. Said amount must be subtracted from the amount to be levied. The amount of moneys thereby saved from being collected by a property tax levy shall be reported on each property tax notice pursuant to section 63-902, Idaho Code.

(5) Each school district shall report annually to the state department of education, in a manner prescribed by it, on the expenditure of moneys it has received pursuant to this section. The state department of education shall present the reports to the legislature each January.

(6) For the purposes of this section, the Idaho school for the deaf and the blind shall be considered a school district and shall receive a distribution based on the average daily attendance of the school.

(7) For state fiscal years 2025 and 2026 only, any school district that would have received support from the bond levy equalization support program for a qualified bond passed prior to January 1, 2024, and for which property taxes were levied in property tax year 2024 pursuant to the amount intended by the bond shall receive a distribution of funds from the distribution provided under subsection (2) of this section of at least as much as would have

been provided through bond levy equalization support on July 1, 2024. The state department of education may adjust distributions for remaining districts proportionally as necessary pursuant to this paragraph. On and after July 1, 2024, school districts may use funds provided in this section and section 33-913, Idaho Code, to offset the bond levy equalization support.

SECTION 5. That Section 33-102A, Idaho Code, be, and the same is hereby amended to read as follows:

33-102A. OFFICE OF THE STATE BOARD -- EXECUTIVE OFFICER -- APPOINTMENT -- COMPENSATION -- DUTIES AND POWERS. (1) There is hereby created as an executive agency of the state board of education the office of the state board of education. The state board of education governor is hereby authorized to appoint an executive officer of the state board who shall serve at the pleasure of the state board governor and shall receive such salary as fixed by the state board governor. The executive secretary may be appointed as the executive officer.

(2) The executive officer shall, under the direction of the state board, have such duties and powers as prescribed by the said board of regents and the state board of education, not otherwise assigned by law.

(3) The executive officer shall, together with the president of the state board of education, submit an annual report to the legislature no later than January 15 of each year, detailing the uses and impact of the school modernization facilities fund.

SECTION 6. That Section 33-104, Idaho Code, be, and the same is hereby amended to read as follows:

33-104. MEETINGS OF THE BOARD -- HONORARIUM -- EXPENSES -- ORGANIZATION. (1) The state board shall hold no less than four (4) regular meetings annually at such time and place as may be directed by the board. Special meetings may be called by the president at any time and place designated in such call.

(2) Each member shall be compensated as provided by section 59-509(h), Idaho Code.

(3) The president of the board shall be selected by the governor.

(4) At its first meeting after the first day of April, in each year, the state board shall organize and shall elect from its membership a president, a vice president and a secretary. the president shall select a vice president and secretary.

SECTION 7. That Section 34-106, Idaho Code, be, and the same is hereby amended to read as follows:

34-106. LIMITATION UPON ELECTIONS. On and after January 1, 2011, notwithstanding any other provisions of the law to the contrary, there shall be no more than two (2) elections conducted in any county in any calendar year, except as provided in this section or section 34-220, Idaho Code, and except that elections to fill vacancies in the United States house of representatives shall be held as provided in the governor's proclamation.

(1) The dates on which elections may be conducted are:

(a) The third Tuesday in May of each year; and

(b) The Tuesday following the first Monday in November of each year.

(c) In addition to the elections specified in paragraphs (a) and (b) of this subsection and subsection (7) of this section, an emergency election may be called upon motion of the governing board of a political subdivision. An emergency exists when there is a great public calamity, such as an extraordinary fire, flood, storm, epidemic, or other disas-

ter, or when it is necessary to do emergency work to prepare for national or local defense or to safeguard life, health or property.

(2) Candidates for office elected in May shall take office on the date specified in the certificate of election but not more than sixty (60) days following the election.

(3) Candidates for office elected in November shall take office as provided in the constitution or on January 1 next succeeding the November election.

(4) The governing board of each political subdivision subject to the provisions of this section that, prior to January 1, 2011, conducted an election for members of that governing board on a date other than a date permitted in subsection (1) of this section shall establish as the election date for that political subdivision the date authorized in subsection (1) of this section that falls nearest the date on which elections were previously conducted, unless another date is established by law.

(5) The secretary of state is authorized to provide such assistance as necessary and to prescribe any needed rules or interpretations for the conduct of election authorized under the provisions of this section.

(6) Water districts governed by chapter 6, title 42, Idaho Code, are exempt from the provisions of this section.

(7) Community colleges governed by chapter 21, title 33, Idaho Code, and school districts are subject to the limitations specified in subsection (1) of this section, ~~except that school districts may also hold an election on the last Tuesday in August of each year on bonded indebtedness and property tax levy questions.~~

(8) A city initiative or referendum election shall be held on the Tuesday following the first Monday in November of odd-numbered years. A county initiative or referendum election or a bond, levy and any other ballot question elections conducted by any political subdivision shall be held on the nearest date authorized in subsection (1) of this section that falls more than sixty (60) days after the clerk of the political subdivision orders that such election shall be held in May or November of even-numbered years or more than fifty (50) days after the order for all other elections, unless otherwise provided by law. Ballot language for any question to be placed on the ballot shall be submitted to the county clerk at least sixty (60) days before an election held in May or November of even-numbered years and at least fifty (50) days before all other elections.

(9) Recall elections may be held on any of the three (3) dates authorized in subsections (1) and (7) of this section that fall more than forty-five (45) days after the clerk of the political subdivision orders that such election shall be held.

(10) Irrigation districts governed by title 43, Idaho Code, are subject to the limitations specified in subsection (1) of this section, except that irrigation districts may also hold an election on the first Tuesday in February of each year and on the first Tuesday in August of each year on questions required to be voted upon by title 43, Idaho Code.

SECTION 8. That Section 33-802A, Idaho Code, be, and the same is hereby amended to read as follows:

33-802A. COMPUTATION OF BOND AND BOND INTEREST LEVIES. When the board of trustees of any school district determines and makes a levy allowed by section 33-802, Idaho Code, and incorporates such levy as a part of the school district's budget to service all maturing bond and bond interest payments for the ensuing fiscal property tax year, it shall take into consideration ~~any state bond levy equalization funds provided pursuant to section 33-906, Idaho Code, and any balances remaining or that may remain in its bond interest and redemption fund after meeting its bond and bond interest obligations for its current~~ fiscal property tax year. The levy so made for

the ensuing fiscal property tax year shall be an amount which, together with ~~any state bond levy equalization funds provided pursuant to section 33-906, Idaho Code,~~ and the balance in its bond interest and redemption fund remaining after meeting its current fiscal property tax year bond and bond interest obligations, shall satisfy all maturing bond and bond interest payments for at least the ensuing twelve (12) months, ~~and not to exceed the ensuing twenty-one (21) months counted from July 1 of the current calendar year month property tax year,~~ but shall not exceed one hundred twenty percent (120%) of the amount required for the payments for the ensuing twelve (12) month property tax year.

SECTION 9. That Section 33-905, Idaho Code, be, and the same is hereby repealed.

SECTION 10. That Section 33-906, Idaho Code, be, and the same is hereby repealed.

SECTION 11. That Section 33-906A, Idaho Code, be, and the same is hereby repealed.

SECTION 12. That Section 33-906B, Idaho Code, be, and the same is hereby repealed.

SECTION 13. That Section 33-907, Idaho Code, be, and the same is hereby amended to read as follows:

33-907. PUBLIC EDUCATION STABILIZATION FUND. ~~(1)~~ There is hereby created in the state treasury a fund to be known as the public education stabilization fund, which shall function as a fund detail of the public school income fund. The fund shall consist of moneys transferred to the fund according to the provisions of sections 33-905~~7~~, 33-1018 and 33-1018C, Idaho Code, and any other moneys made available through legislative transfers or appropriations. Moneys in the fund are hereby continuously appropriated for the purposes stated in sections 33-1018 and ~~33-1018B~~, Idaho Code, and shall only be expended for the purposes stated in sections 33-1018~~7~~ and 33-1018A and ~~33-1018B~~, Idaho Code. Any accumulated balances in the fund that are in excess of ~~eight and one-third percent (8.334%)~~ fifteen percent (15%) of the current fiscal year's total appropriation of state funds for public school support shall be transferred to the bond levy equalization school district facilities fund. Interest earned from the investment of moneys in the fund shall be retained in the fund.

~~(2) For the period July 1, 2021, through June 30, 2023, no moneys from the public education stabilization fund shall be withdrawn for any purpose, including those in sections 33-1018, 33-1018A, and 33-1018B, Idaho Code, and any other law or rule to the contrary, for encumbered obligations and unencumbered expenditures associated with state funds appropriated for fiscal year 2022. The state department of education shall prorate any negative variance pursuant to section 33-1018, Idaho Code, by a formula prescribed by the state department of education.~~

SECTION 14. That Chapter 9, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-912, Idaho Code, and to read as follows:

33-912. SCHOOL MODERNIZATION FACILITIES FUND. (1) There is hereby created in the state treasury the school modernization facilities fund. The fund shall consist of moneys provided pursuant to section 63-3638(19), Idaho Code.

(2) Moneys in the fund are hereby continuously appropriated solely for the purpose of making annualized distributions to school districts electing

to receive distributions and for paying the principal, interest, and other amounts required for education bonds issued by the Idaho state building authority for the state department of education in accordance with the provisions of this chapter.

(3) Moneys in the fund shall be paid by the state department of education to districts electing annual distributions and to the Idaho state building authority as required for annual debt service and other expenses relating to the bonds issued pursuant to section 33-913, Idaho Code.

(4) The state treasurer shall invest the idle moneys of the school modernization facilities fund, and the interest earned on such investment shall be retained by the school modernization facilities fund.

SECTION 15. That Chapter 9, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-913, Idaho Code, and to read as follows:

33-913. ISSUANCE OF BONDS -- SCHOOL MODERNIZATION FACILITIES FUND. (1) The Idaho state building authority is hereby authorized to issue bonds from time to time as needed for the state department of education, secured by unobligated moneys in the school modernization facilities fund established in section 33-912, Idaho Code, for the purpose of providing funds to the state department of education for distribution to eligible school districts as provided in this section.

(2) Bonds shall be issued with maturities of no more than ten (10) years from the date of issuance.

(3) (a) The annual debt service and related expenses of the Idaho state building authority for bonds issued under this section may not exceed the amount available from continuing appropriations of the school modernization facilities fund minus the annualized distributions elected by school districts.

(b) In times of economic recession in which sales tax receipts fall below prior year levels, the legislature may consider temporarily ceasing annualized distributions for those districts electing such annualized distributions. In the case of school districts that elect a lump sum, annual debt service and related expenses of such bonds may be covered during the economic recession by withholding other payments that would be made available to the district in response to the economic recession, such as distributions of rainy day funds or federal recovery funds.

SECTION 16. That Chapter 9, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-914, Idaho Code, and to read as follows:

33-914. ANNUALIZED OR LUMP SUM DISTRIBUTION -- SCHOOL MODERNIZATION FACILITIES FUND. (1) School districts may elect to receive their distribution as a lump sum from the net proceeds of the bonds paid to the state department of education. School districts may alternatively request to receive their distribution in annualized amounts, which shall be subject to the order of priority specified for the school district facilities fund established in section 33-911, Idaho Code. The state department of education shall establish a process for school districts to elect a lump sum or annualized distribution or a combination thereof in alignment with the dates specified in section 33-911, Idaho Code. Annualized distributions shall be distributed to school districts no later than August 31 each year, to those school districts electing such distributions prior to that date.

(2) If a school district elects not to receive either an annualized distribution or a lump sum amount or fails to make a selection by July 1, 2025, the amount the school district would have received shall be transferred to the school district facilities fund created in section 33-911, Idaho

Code, for distribution to all schools according to the provisions of section 33-911, Idaho Code.

SECTION 17. That Chapter 9, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-915, Idaho Code, and to read as follows:

33-915. FIXED DISTRIBUTION -- SCHOOL MODERNIZATION FACILITIES FUND. (1) The state department of education shall establish a fixed distribution of funds to be made available for voluntary election to each school district subject to the conditions in this section.

(a) The distribution shall be calculated in state fiscal year 2025 for each school district, as defined in section 33-1001(21), Idaho Code, that is in operation as of July 1, 2024.

(b) The distribution shall be calculated by multiplying the following two (2) factors, both of which shall be based on the most recent data available in the state fiscal year coinciding with the distribution calculation:

(i) Calculate the per-pupil amount, using the average daily attendance calculation provided in section 33-1003A, Idaho Code, for each student in kindergarten through grade 12 at physical facilities that are part of and on school grounds of the school district in which the student is enrolled with verification, as needed, by the office of the state board of education. Upon formal approval by the state board of education, a school district may receive an exemption to the physical facility requirement pursuant to this subsection if the student would have attended a physical facility in the school district if not for a stated emergency; and

(ii) Calculate, together with the Idaho state building authority, the total amount that a bond issuance would generate, based on the amount established in section 63-3638(19), Idaho Code.

(c) In no case shall the amount awarded to any school district be less than twenty-five thousand dollars (\$25,000) over the ten (10) year period.

(d) In no case shall the amount awarded to any school district with an active charter district maintenance and operation levy pursuant to section 33-802(6), Idaho Code, or a charter district supplemental maintenance and operation levy pursuant to section 33-802(4), Idaho Code, exceed forty million dollars (\$40,000,000) over the ten (10) year period. Excess funds shall be distributed proportionately according to the factors established in paragraph (b) of this subsection to remaining school districts that received initial allocations below forty million dollars (\$40,000,000). Any districts receiving reallocations under this paragraph shall not exceed forty million dollars (\$40,000,000).

(e) For the purposes of this section, the Idaho school for the deaf and the blind shall be considered a school district and shall receive a distribution based on the average daily attendance of the school.

(2) The provisions of this section shall be null, void, and of no force and effect on and after June 30, 2034.

SECTION 18. That Chapter 9, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-916, Idaho Code, and to read as follows:

33-916. ELIGIBILITY OF SCHOOL DISTRICTS FOR SCHOOL MODERNIZATION FACILITIES FUND DISTRIBUTIONS. The state department of education shall not approve school district requests for annualized distributions or for distri-

bution from the applicable bond proceeds until the following conditions are satisfied:

(1) The school district has submitted a ten (10) year facilities plan in accordance with provisions of section 33-918, Idaho Code;

(2) The school district attests that if it operated on a five (5) day school week during fiscal year 2024, it will not convert to a four (4) day school week during the period for which the school district has elected to receive funding from the school modernization facilities fund. If the school district does convert from a five (5) day school week to a four (4) day school week or if it operated on a four (4) day school week during fiscal year 2024, it must attest that it meets the minimum contract days and minimum student instructional day requirements of the state board of education, which requirements shall be implemented no later than August 1, 2024; and

(3) The school district attests compliance with the dignity and nondiscrimination in public education requirements specified in section 33-138, Idaho Code, and further attests that the school district does not require job applicants to sign written diversity statements.

SECTION 19. That Chapter 9, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-917, Idaho Code, and to read as follows:

33-917. SCHOOL DISTRICT USE OF FUNDS -- SCHOOL MODERNIZATION FACILITIES FUND.

(1) (a) Moneys distributed to a school district shall be used for school facility construction, renovation, or maintenance needs or, in the case of school districts electing annualized distributions, funds shall be used subject to section 33-911, Idaho Code. Uses of funds shall include regular and routine facilities maintenance, including preventive maintenance, building repairs, and building security, and shall also include periodic major facilities projects that involve planning, design, construction, renovation, retrofitting, and replacing of buildings and building systems, components, and features, as well as site acquisition, site improvements, and new construction.

(b) Any funds distributed by the state to school districts for facilities must be used only for the purposes described in this subsection. Any funds intended for facilities but used for another purpose shall be returned to the state by the school district and deposited to the state general fund. If the school district fails to return such funds, an amount equivalent to the misused funds shall be deducted from the state's next payment to the school district pursuant to this chapter or chapter 52, title 33, Idaho Code.

(2) All funds shall be used for school facilities directly related to the school district's core educational mission. No funds shall be used for facilities with a primary athletic purpose.

(3) Each school district shall annually report to the state department of education, in a manner prescribed by the state department of education, on the planned and actual expenditure of moneys it has received pursuant to this section.

(4) A model school facility council shall be created by July 1, 2024, to research, adopt, and recommend a model school facility plan that schools shall abide by when using school modernization facilities fund moneys pursuant to the plan adopted in paragraph (c) of this subsection. The council shall:

(a) Be chaired by the executive director of the office of the state board of education, with administrative support provided by the office of the state board of education;

(b) Consist of nine (9) members, with three (3) members appointed by the governor, three (3) members appointed by the speaker of the house of

representatives, and three (3) members appointed by the president pro tempore of the senate; and

(c) Adopt a model school facility plan and submit it to the legislature by July 1, 2026, that:

(i) Outlines a clear plan for school facility construction, including standardization for elementary schools, middle schools, and high schools;

(ii) Considers potential variability of school properties, objectives, and goals; and

(iii) Consults all necessary experts to develop a thorough plan for school facilities to guide the use of funds from the school modernization facilities fund.

SECTION 20. That Chapter 9, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-918, Idaho Code, and to read as follows:

33-918. BEST PRACTICES PLAN FOR SCHOOL FACILITIES. The state department of education shall draft a best practices maintenance plan for school facilities that shall be supplied to the superintendent of each school district. Based on the best practices plan, each school district shall develop a ten (10) year plan and submit it to the state department of education for approval outlining its anticipated construction, renovation, and maintenance needs. Such plan shall be submitted in advance of receiving a distribution from the school modernization facilities fund, pursuant to the provisions of this chapter. The plan shall outline the resources and steps necessary for all school buildings in the school district to be in good or perfect condition. The plan shall also take into consideration population trends and changing preferences in the delivery of education within the school district.

SECTION 21. That Section 33-1018B, Idaho Code, be, and the same is hereby repealed.

SECTION 22. That Section 33-1019, Idaho Code, be, and the same is hereby repealed.

SECTION 23. That Section 39-8006A, Idaho Code, be, and the same is hereby repealed.

SECTION 24. That Section 57-810, Idaho Code, be, and the same is hereby amended to read as follows:

57-810. CASH TRANSFERS FOR PROPERTY TAX RELIEF. Notwithstanding the provisions of section 57-814, Idaho Code, after the close of each fiscal year in 2023, 2024, and 2025, the state controller shall determine any excess cash balance in the general fund. When calculating any excess cash balance, the state controller shall first provide for the ending balance, as determined by the legislative record, to be carried over into the next fiscal year, plus an amount sufficient to cover encumbrances as approved by the division of financial management and an amount sufficient to cover any reappropriation as authorized by the legislature. On July 1, or as soon thereafter as is practicable, of each such year, there is hereby appropriated one hundred fifty million dollars (\$150,000,000) or the balance of the general fund excess cash balance, whichever is less, to be transferred as follows:

(1) The state controller shall transfer the first fifty million dollars (\$50,000,000) to the homeowner property tax relief account established pursuant to the provisions of section 63-724, Idaho Code; and

(2) The state tax commission shall transfer the remaining moneys to be used for the purpose of property tax relief in the following manner. Fifty

percent (50%) of the remaining moneys shall be distributed to the school district facilities fund established pursuant to section 33-911, Idaho Code, and fifty percent (50%) shall be distributed to each county in the proportion that the amount of property taxes levied for the current tax year and approved pursuant to section 63-809, Idaho Code, on all taxable properties in the county bears to the total amount of property taxes levied for the current tax year and approved pursuant to section 63-809, Idaho Code, in all the counties. This amount shall be certified to the county auditor and tax collector by the state tax commission no later than the first Monday in November. Each county shall apply the moneys received as a credit on each property owner's property tax bill in proportion to the amount of property taxes on the property and shall distribute the moneys in the same manner as if they were property taxes the homeowner property tax relief account established pursuant to the provisions of section 63-724, Idaho Code.

SECTION 25. That Section 57-811, Idaho Code, be, and the same is hereby amended to read as follows:

57-811. TAX RELIEF FUND. (1) There is hereby created in the state treasury the tax relief fund to which shall be credited all moneys remitted from sections 63-3620F and 63-3638, Idaho Code, from federal grants, donations, or any other source. Moneys in the fund are intended to fund future tax relief statutes enacted by the legislature and may be expended pursuant to appropriation. All interest earned on the investment of idle moneys in the fund shall be returned to the fund.

(2) For fiscal year 2025 and each fiscal year thereafter, twenty percent (20%) of the moneys in the tax relief fund is continuously appropriated and shall be transferred to the school district facilities fund established pursuant to section 33-911, Idaho Code.

(3) For fiscal year 2024 2025 and each fiscal year thereafter, the state controller shall transfer ~~thirty-six million dollars (\$36,000,000)~~ thirty-nine million dollars (\$39,000,000) from the tax relief fund to the state public defense fund established pursuant to section 57-827, Idaho Code.

(4) For fiscal year 2023 and each fiscal year thereafter, the state controller shall transfer the remaining balance of the fund or two hundred thirty-six million dollars (\$236,000,000), whichever is less, from the tax relief fund to the general fund.

SECTION 26. That Section 63-724, Idaho Code, be, and the same is hereby amended to read as follows:

63-724. HOMEOWNER PROPERTY TAX RELIEF. (1) It is the intent of the legislature to provide property tax relief on owner-occupied properties in Idaho receiving the homestead property tax exemption pursuant to section 63-602G, Idaho Code, as of the second Monday in July each year by providing state moneys as replacement funding as provided in this section. This section does not apply to occupancy taxes levied pursuant to section 63-317, Idaho Code.

(2) For the purpose of this section:

(a) "Eligible property taxes" means all property tax levies on homes receiving the homestead property tax exemption pursuant to section 63-602G, Idaho Code, as of the second Monday in July each year, except for bonds, school district levies, plant facility levies, and any voter-approved temporary levy for a specific duration. When calculating the eligible property taxes for the purpose of this section, the taxable value of each property shall include the value of no more than one (1) acre.

(b) "Homeowner property tax relief homestead" means a property receiving the homestead property tax exemption pursuant to section 63-602G, Idaho Code, as of the second Monday in July each year.

(3) There is hereby created in the state treasury the homeowner property tax relief account. Moneys in this account shall consist of moneys transferred from the general fund and are continuously appropriated for homeowner property tax relief pursuant to the provisions of this section.

(4) The county assessor shall prepare a homeowner property tax relief roll, which shall be in addition to all other property rolls. By no later than the ~~fourth first~~ Monday of ~~August~~ September each year, the homeowner property tax relief roll shall be certified by the county assessor to the county auditor and ~~to the state tax commission~~ in the manner prescribed by rules promulgated by the state tax commission. The homeowner property tax relief roll shall show:

(a) The name of the taxpayer;

(b) An accurate description of the homeowner property tax relief homestead; and

(c) The property's current market value for assessment purposes.

(5) (a) The county auditor shall complete the homeowner property tax relief roll by adding the following information:

(i) The current immediate prior year's eligible levy for the tax code area in which the property is situated;

(ii) The estimated amount of eligible property taxes levied calculated by applying the levy in subparagraph (i) of this paragraph to the current year's market value for assessment purposes on each qualifying homestead; and

(iii) The total estimated amount of eligible property taxes levied on all properties within the county that are receiving the homestead property tax exemption as of the second Monday in July of each the current year.

(b) By no later than the ~~fourth second~~ Monday of ~~October~~ September each year, the county auditor shall certify the completed homeowner property tax relief roll to the state tax commission in the manner prescribed by rules promulgated by the state tax commission.

(6) The state tax commission shall determine the total number of homeowner property tax relief homesteads to be allowed in each county, the dollar amount of eligible property taxes for each homeowner property tax relief homestead allowed, and the total dollar amount of eligible property taxes for all homeowner property tax relief homesteads within each county from the amounts certified on the homeowner property tax relief roll. ~~The state tax commission shall divide the moneys in the homeowner property tax relief account as of August 1 each year by the total dollar amount of eligible property taxes levied on all such property tax relief homesteads in all counties, then multiply the result by the total amount of eligible property taxes levied on such homesteads in each county. Such amounts shall be summed for all eligible property tax relief homesteads in all counties to determine the total amount of estimated eligible property taxes. This sum shall be divided into the amount of moneys in the homeowner property tax relief account as of August 1 of each year. The result shall be multiplied by the total amount of estimated eligible property taxes on such homesteads in each county. This amount shall be certified to the county auditor and tax collector by the state tax commission no later than the first third Monday in November~~ September. By no later than December 20 of each year, the state tax commission shall pay to the county tax collector of each county the first half of the amount due to each county as reimbursement for homeowner property tax relief as provided in this section and shall pay the second half of such amount by no later than June 20 of the following year.

(7) The state tax commission may audit each and every property on the homeowner property tax relief roll. If the state tax commission determines

that a homeowner property tax relief homestead credit is erroneous, the state tax commission shall disapprove as much of the credit as necessary in order to conform with statutory standards. The state tax commission shall provide the homeowner written notice of the state tax commission's intent to disapprove all or a portion of the credit. The homeowner shall have twenty-eight (28) days to make written protest to the state tax commission of the intended action. The homeowner may submit additional information and may request an informal hearing with the state tax commission. If the homeowner fails to make written protest within twenty-eight (28) days, the state tax commission shall provide written notice of disapproval to both the homeowner and the county auditor of the county in which the property is situated by December 20. Any homeowner whose claim is disapproved in whole or in part by the state tax commission may appeal such disapproval to the board of tax appeals or to the district court of the county of residence of the taxpayer within thirty (30) days.

(8) Each county treasurer shall apply the moneys received pursuant to subsection (6) of this section to the eligible property taxes levied on the properties listed on the certified homeowner property tax relief roll that year. The moneys shall be designated as a line item credit against the total of all eligible property taxes on the property tax bill for each property receiving the tax relief provided by this section. Such moneys shall be distributed in the same manner as property tax revenues.

(9) The amount of property tax relief for a homeowner's property taxes shall be applied after the homestead exemption pursuant to section 63-602G, Idaho Code, has been applied. The property tax relief amount cannot exceed the actual amount of current eligible property taxes due on the homeowner's property tax notice. No delinquent property taxes, penalties, interest, or fines may be paid with moneys from this program.

(10) Nothing in this section shall prevent a homeowner from applying for or receiving any other property tax relief provided pursuant to this chapter. The property tax relief provided pursuant to this section shall be credited to the homeowner's property tax bill before any other property tax relief is applied, up to a maximum of the actual property taxes due on the homeowner property tax relief homestead.

(11) Any amount of homeowner property tax relief moneys distributed by the state tax commission to a county that exceeds the total amount of all eligible property taxes due from all homeowner property tax relief homesteads in the county shall revert to the state general fund. The county treasurer shall deposit such moneys with the state treasurer by the fourth Monday in July each year for the preceding property tax year.

(12) Within three (3) years of payment, the state tax commission may recover any erroneous or incorrect payment made to any homeowner receiving relief under this section. The deficiency determination, collection, and enforcement procedures provided in chapter 30, title 63, Idaho Code, shall apply and be available to the state tax commission for enforcement and collection under this section. Wherever liens or any other proceedings are defined as income tax liens or proceedings, they shall, when applied in enforcement or collection under this section, be described as tax relief liens and proceedings. In connection with this section, a deficiency shall consist of any amount erroneously paid on behalf of a homeowner under this section.

SECTION 27. That Section 63-2520, Idaho Code, be, and the same is hereby amended to read as follows:

63-2520. DISTRIBUTION OF MONEYS COLLECTED. Revenues received from the taxes imposed by this chapter, and any revenues received from licenses, permits, penalties, interest, or deficiency additions, shall be distributed by the state tax commission as follows:

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

(b) The balance remaining with the state treasurer after deducting the amount described in subsection (a) of this section shall be distributed as follows:

(1) Five million dollars (\$5,000,000) shall be distributed to the permanent building fund created by section 57-1108, Idaho Code.

(2) Three hundred sixty thousand dollars (\$360,000) shall be distributed to the central cancer registry fund and is subject to appropriation as provided for in chapter 35, title 67, Idaho Code.

(3) Three hundred thousand dollars (\$300,000) shall be distributed to the cancer control fund created by section 57-1702, Idaho Code, and is subject to appropriation as provided for in chapter 35, title 67, Idaho Code.

~~(4) An amount equal to the annual general fund appropriation for bond levy equalization, less the amount distributed under section 67-7434(1), Idaho Code, if applicable, pursuant to section 33-906, Idaho Code, shall be annually distributed to the general fund.~~

~~(5) (4) All remaining moneys shall be distributed as follows: For fiscal years on and after July 1, 2006, all moneys shall be distributed to the permanent building fund with the moneys to be used for the repair, remodel and restoration of the state capitol building and state facilities pertaining to the capitol restoration until such time as the capitol restoration is adequately funded as certified by the director of the department of administration. Thereafter, all remaining moneys shall be distributed in the following priority order:~~

~~(i) Four million seven hundred thousand dollars (\$4,700,000) to be used for the purpose of paying the state match as required for federal funds committed to pay the annual scheduled GARVEE debt service until such time as the Idaho housing and finance association certifies that any such bonds or notes are adequately paid for, in accordance with chapter 62, title 67, Idaho Code;~~

~~(ii) Five million dollars (\$5,000,000) to the secondary aquifer planning, management and implementation fund as established in section 42-1780, Idaho Code. Such moneys shall be used for statewide aquifer stabilization; and~~

~~(iii) All remaining moneys following distributions pursuant to subparagraphs (i) and (ii) of this paragraph shall be distributed to the transportation expansion and congestion mitigation fund established in section 40-720, Idaho Code.~~

SECTION 28. That Section 63-3638, Idaho Code, be, and the same is hereby amended to read as follows:

63-3638. SALES TAX -- DISTRIBUTION. All moneys collected under this chapter, except as may otherwise be required in sections 63-3203, 63-3620F, and 63-3709, Idaho Code, shall be distributed by the state tax commission as follows:

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

(2) Five million dollars (\$5,000,000) per year is continuously appropriated and shall be distributed to the permanent building fund, provided by section 57-1108, Idaho Code.

(3) Four million eight hundred thousand dollars (\$4,800,000) per year is continuously appropriated and shall be distributed to the water pollution control fund established by section 39-3628, Idaho Code.

(4) An amount equal to the sum required to be certified by the chairman of the Idaho housing and finance association to the state tax commission pursuant to section 67-6211, Idaho Code, in each year is continuously appropriated and shall be paid to any capital reserve fund established by the Idaho housing and finance association pursuant to section 67-6211, Idaho Code. Such amounts, if any, as may be appropriated hereunder to the capital reserve fund of the Idaho housing and finance association shall be repaid for distribution under the provisions of this section, subject to the provisions of section 67-6215, Idaho Code, by the Idaho housing and finance association, as soon as possible, from any moneys available therefor and in excess of the amounts the association determines will keep it self-supporting.

(5) An amount equal to the sum required by the provisions of sections 63-709 and 63-717, Idaho Code, after allowance for the amount appropriated by section 63-718(3), Idaho Code, is continuously appropriated and shall be paid as provided by sections 63-709 and 63-717, Idaho Code.

(6) An amount required by the provisions of chapter 53, title 33, Idaho Code.

(7) An amount required by the provisions of chapter 87, title 67, Idaho Code.

(8) For fiscal year 2011 and each fiscal year thereafter, four million one hundred thousand dollars (\$4,100,000), of which two million two hundred thousand dollars (\$2,200,000) shall be distributed to each of the forty-four (44) counties in equal amounts and one million nine hundred thousand dollars (\$1,900,000) shall be distributed to the forty-four (44) counties in the proportion that the population of the county bears to the population of the state. For fiscal year 2012 and for each fiscal year thereafter, the amount distributed pursuant to this subsection shall be adjusted annually by the state tax commission in accordance with the consumer price index for all urban consumers (CPI-U) as published by the U.S. department of labor, bureau of labor statistics, but in no fiscal year shall the total amount allocated for counties under this subsection be less than four million one hundred thousand dollars (\$4,100,000). Any increase resulting from the adjustment required in this section shall be distributed to each county in the proportion that the population of the county bears to the population of the state. Each county shall establish a special election fund to which shall be deposited all revenues received from the distribution pursuant to this subsection. All such revenues shall be used exclusively to defray the costs associated with conducting elections as required of county clerks by the provisions of section 34-1401, Idaho Code.

(9) One dollar (\$1.00) on each application for certificate of title or initial application for registration of a motor vehicle, snowmobile, all-terrain vehicle or other vehicle processed by the county assessor or the Idaho transportation department, excepting those applications in which any sales or use taxes due have been previously collected by a retailer, shall be a fee for the services of the assessor of the county or the Idaho transportation department in collecting such taxes and shall be paid into the current expense fund of the county or state highway account established in section 40-702, Idaho Code.

(10) Eleven and five-tenths percent (11.5%) of revenues collected under this chapter, following any distributions required by sections 63-3203, 63-3620F, and 63-3709, Idaho Code, and by subsection (1) of this section, is continuously appropriated and shall be distributed to the revenue-sharing account, which is hereby created in the state treasury, and the moneys in the revenue-sharing account will be paid in installments each calendar quarter by the state tax commission as follows:

(a) Forty-five and two-tenths percent (45.2%) shall be paid to the various cities as follows:

(i) The revenue-sharing amount calculated by the state tax commission for the various cities for each quarter of fiscal year 2020 shall be the base amount for current quarterly revenue distribution amounts. The state tax commission shall calculate the per capita distribution for each city resulting from the previous fiscal year's distributions.

(ii) If there is no change in the amount of the revenue-sharing account from the same quarter of the previous fiscal year, then the various cities shall receive the same amount received for the same quarter of the previous fiscal year.

(iii) If the balance of the revenue-sharing account for the current quarter is greater than the balance of the revenue-sharing account for the same quarter of the previous fiscal year, then:

1. If the distributions made to the cities during the same quarter of the previous fiscal year were below the base amount established in fiscal year 2020, then the various cities shall first receive a proportional increase up to the base amount for each city and up to a one-percent (1%) increase over such base amount. Any remaining moneys shall be distributed to cities with a below-average per capita distribution in the proportion that the population of that city bears to the population of all cities with below-average per capita distributions within the state.

2. If the distributions made to the cities during the same quarter of the previous fiscal year were at or above the base amount established in fiscal year 2020, then the cities shall receive the same distribution they received during the same quarter of the previous fiscal year plus a proportional increase up to one percent (1%). Any remaining moneys shall be distributed to the cities with a below-average per capita distribution in the proportion that the population of that city bears to the population of all cities with a below-average per capita distribution within the state.

(iv) If the balance of the revenue-sharing account for the current quarter is less than the balance of the revenue-sharing account for the same quarter of the previous fiscal year, then the cities shall first receive a proportional reduction down to the base amount established in fiscal year 2020. If further reductions are necessary, the cities shall receive reductions based on the proportion that each city's population bears to the population of all cities within the state.

(b) Forty-seven and one-tenth percent (47.1%) shall be paid to the various counties as follows:

(i) Fifty-nine and eight-tenths percent (59.8%) of the amount to be distributed under this paragraph (b) of this subsection shall be distributed as follows:

1. One million three hundred twenty thousand dollars (\$1,320,000) annually shall be distributed one forty-fourth ($1/44$) to each of the various counties; and

2. The balance of such amount shall be paid to the various counties, and each county shall be entitled to an amount in the proportion that the population of that county bears to the population of the state; and

(ii) Forty and two-tenths percent (40.2%) of the amount to be distributed under this paragraph (b) of this subsection shall be distributed as follows:

1. Each county that received a payment under the provisions of section 63-3638(e), Idaho Code, as that subsection existed immediately prior to July 1, 2000, during the fourth quarter of calendar year 1999, shall be entitled to a like amount during succeeding calendar quarters.

2. If the dollar amount of money available under this subsection (10)(b)(ii) in any quarter does not equal the amount paid in the fourth quarter of calendar year 1999, each county's payment shall be reduced proportionately.

3. If the dollar amount of money available under this subsection (10)(b)(ii) in any quarter exceeds the amount paid in the fourth quarter of calendar year 1999, each county shall be entitled to a proportionately increased payment, but such increase shall not exceed one hundred five percent (105%) of the total payment made in the fourth quarter of calendar year 1999.

4. If the dollar amount of money available under this subsection (10)(b)(ii) in any quarter exceeds one hundred five percent (105%) of the total payment made in the fourth quarter of calendar year 1999, any amount over and above such one hundred five percent (105%) shall be paid to the various counties in the proportion that the population of the county bears to the population of the state; and

(c) Seven and seven-tenths percent (7.7%) of the amount appropriated in this subsection shall be paid to the several counties for distribution to special purpose taxing districts as follows:

(i) Each such district that received a payment under the provisions of section 63-3638(e), Idaho Code, as such subsection existed immediately prior to July 1, 2000, during the fourth quarter of calendar year 1999, shall be entitled to a like amount during succeeding calendar quarters.

(ii) If the dollar amount of money available under this subsection (10)(c) in any quarter does not equal the amount paid in the fourth quarter of calendar year 1999, each special purpose taxing district's payment shall be reduced proportionately.

(iii) If the dollar amount of money available under this subsection (10)(c) in any quarter exceeds the amount distributed under paragraph (c)(i) of this subsection, each special purpose taxing district shall be entitled to a share of the excess based on the proportion each such district's current property tax budget bears to the sum of the current property tax budgets of all such districts in the state. Each year, starting with the distribution for the quarter ending December 31, the state tax commission shall calculate this distribution based on the district's current property tax budgets, including any unrecovered forgone amounts as determined under section 63-802(1)(e), Idaho Code. When a special purpose taxing district is situated in more than one (1) county, the state tax commission shall determine the portion attributable to the special purpose taxing district from each county in which it is situated.

(iv) If special purpose taxing districts are consolidated, the resulting district is entitled to a base amount equal to the sum of the base amounts received in the last calendar quarter by each district prior to the consolidation.

(v) If a special purpose taxing district is dissolved or discontinued, the state tax commission shall continuously distribute to the board of county commissioners an amount equal to the last quarter's distribution prior to dissolution or disincorporation.

ration. The board of county commissioners shall determine any redistribution of moneys so received.

(vi) Taxing districts formed after January 1, 2001, are not entitled to a payment under the provisions of this paragraph (c) of this subsection.

(vii) For purposes of this paragraph (c) of this subsection, a special purpose taxing district is any taxing district that is not a city, a county, or a school district.

(viii) Special purpose taxing districts shall use funds received under the provisions of this subsection only for the purposes for which the special purpose taxing districts were formed.

(11) Amounts calculated in accordance with section 2, chapter 356, laws of 2001, for annual distribution to counties and other taxing districts beginning in October 2001 for replacement of property tax on farm machinery and equipment exempted pursuant to section 63-602EE, Idaho Code. For nonschool districts, the state tax commission shall distribute one-fourth (1/4) of this amount certified quarterly to each county. For school districts, the state tax commission shall distribute one-fourth (1/4) of the amount certified quarterly to each school district. For nonschool districts, the county auditor shall distribute such amounts to each district within thirty (30) calendar days from receipt of moneys from the state tax commission. Moneys received by each taxing district for replacement shall be utilized in the same manner and in the same proportions as revenues from property taxation. The moneys remitted to the county treasurer for replacement of property exempt from taxation pursuant to section 63-602EE, Idaho Code, may be considered by the counties and other taxing districts and budgeted at the same time, in the same manner, and in the same year as revenues from taxation on personal property, which these moneys replace. If taxing districts are consolidated, the resulting district is entitled to an amount equal to the sum of the amounts received in the last calendar quarter by each district pursuant to this subsection prior to the consolidation. If a taxing district is dissolved or disincorporated, the state tax commission shall continuously distribute to the board of county commissioners an amount equal to the last quarter's distribution prior to dissolution or disincorporation. The board of county commissioners shall determine any redistribution of moneys so received. If a taxing district annexes territory, the distribution of moneys received pursuant to this subsection shall be unaffected. Taxing districts formed after January 1, 2001, are not entitled to a payment under the provisions of this subsection. School districts shall receive an amount determined by multiplying the sum of the year 2000 school district levy minus .004 times the market value on December 31, 2000, in the district of the property exempt from taxation pursuant to section 63-602EE, Idaho Code, provided that the result of these calculations shall not be less than zero (0). The result of these school district calculations shall be further increased by six percent (6%). For purposes of the limitation provided by section 63-802, Idaho Code, moneys received pursuant to this section as property tax replacement for property exempt from taxation pursuant to section 63-602EE, Idaho Code, shall be treated as property tax revenues.

(12) Amounts necessary to pay refunds as provided in section 63-3641, Idaho Code, to a developer of a retail complex shall be remitted to the demonstration pilot project fund created in section 63-3641, Idaho Code.

(13) Amounts calculated in accordance with section 63-602KK(4), Idaho Code, for annual distribution to counties and other taxing districts for replacement of property tax on personal property tax exemptions pursuant to section 63-602KK(2), Idaho Code, which amounts are continuously appropriated unless the legislature enacts a different appropriation for a particular fiscal year. For purposes of the limitation provided by section 63-802, Idaho Code, moneys received pursuant to this section as property tax replacement for property exempt from taxation pursuant to section 63-602KK,

Idaho Code, shall be treated as property tax revenues. If taxing districts are consolidated, the resulting district is entitled to an amount equal to the sum of the amounts that were received in the last calendar year by each district pursuant to this subsection prior to the consolidation. If a taxing district or revenue allocation area annexes territory, the distribution of moneys received pursuant to this subsection shall be unaffected. Taxing districts and revenue allocation areas formed after January 1, 2022, are not entitled to a payment under the provisions of this subsection.

(14) For fiscal year 2023 only, a sum of thirty-four million dollars (\$34,000,000) shall be distributed each year by the state tax commission to the forty-four (44) counties in the proportion that the expenditures of each county for indigent defense services during county fiscal year 2021, excluding any state funding or grants, bear to the expenditures of all counties in the state for indigent defense services during county fiscal year 2021, excluding any state funding or grants. No later than July 1, 2022, the state public defense commission shall certify to the state tax commission each county's proportionate share of all counties' indigent defense expenses in county fiscal year 2021, excluding any state funding or grants.

(15) For fiscal year 2024 and each fiscal year thereafter, two and twenty-five hundredths percent (2.25%) of revenues collected under this chapter, following any distributions required by sections 63-3203, 63-3620F, and 63-3709, Idaho Code, and by subsections (1), (10), and (16) of this section, is continuously appropriated and shall be distributed annually to the homeowner property tax relief account established in section 63-724, Idaho Code.

(16) Four and five-tenths percent (4.5%) of revenues collected under this chapter, following any distributions required by sections 63-3620F and 63-3709, Idaho Code, and by subsections (1) and (10) of this section, but no less than eighty million dollars (\$80,000,000) and no more than one hundred forty million dollars (\$140,000,000), shall be distributed as follows:

(a) Eighty million dollars (\$80,000,000) is continuously appropriated and shall be distributed to the transportation expansion and congestion mitigation fund established in section 40-720, Idaho Code; and

(b) The remaining moneys in excess of eighty million dollars (\$80,000,000) provided for in this subsection is continuously appropriated and shall be apportioned to local units of government for local highway projects in the same percentages provided for in section 40-709(1) through (3), Idaho Code. Local units of government may pool funds allocated to them pursuant to this paragraph for local highway projects.

(17) Beginning in fiscal year 2024 and each fiscal year thereafter, three hundred thirty million dollars (\$330,000,000) shall be distributed annually to the public school income fund created in section 33-903, Idaho Code, and eighty million dollars (\$80,000,000) shall be distributed annually to the in-demand careers fund established in section 72-1206, Idaho Code. The state tax commission shall make such transfers in quarterly installments.

(18) For fiscal year 2024 and each fiscal year thereafter, ~~two three~~ and twenty-five hundredths percent ~~(2.25%)~~ (3.25%) of revenues collected under this chapter, following any distributions required by sections 63-3203, 63-3620F, and 63-3709, Idaho Code, and by subsections (1), (10), and (16) of this section, is continuously appropriated and shall be distributed annually to the school district facilities fund established pursuant to section 33-911, Idaho Code.

(19) One hundred twenty-five million dollars (\$125,000,000) collected under this chapter, following any distributions required by sections 63-3620F and 63-3709, Idaho Code, and by subsections (1), (10), (15), (16), and (18) of this section is continuously appropriated and shall be distributed to the school modernization facilities fund established in section

33-912, Idaho Code. The state tax commission shall make such transfers in quarterly installments.

~~(19)~~ (20) Any moneys remaining over and above those necessary to meet and reserve for payments under other subsections of this section shall be distributed to the general fund.

SECTION 29. That Section 67-5771A, Idaho Code, be, and the same is hereby amended to read as follows:

67-5771A. PUBLIC SCHOOL HEALTH INSURANCE PARTICIPATION FUND. (1) There is hereby created in the state treasury the public school health insurance participation fund. The fund is continuously appropriated to the state department of education for the purpose of funding the actuarially established onetime amount required for a public school to buy in to the state's medical and dental group insurance plan. The fund shall consist of moneys made available through legislative transfers, appropriations, or as otherwise provided by law and shall be available for use only to publicly funded K-12 educational institutions. Interest earnings from the investment of moneys in the fund shall be returned to the fund.

(2) All moneys in the fund shall be used only for onetime expenses associated with accommodating participation into the state's health plan as set forth in this section. The state department of education shall make payment or payments to the office of group insurance for this purpose within a reasonable time of participants being identified. If demand exceeds available funds, the state department of education shall administer the fund on a first-come, first-served basis. No funds may be expended prior to July 1, 2022, and any unexpended moneys remaining in the fund after June 30, 2025, shall be transferred by the state controller to the ~~public education stabilization fund.~~ If the public education stabilization fund is fully funded, then remaining funds shall be transferred to the general fund public charter school facilities program fund created in section 33-5218, Idaho Code.

SECTION 30. That Section 67-6409, Idaho Code, be, and the same is hereby amended to read as follows:

67-6409. GENERAL POWERS OF THE AUTHORITY. The authority is hereby granted, has and may exercise all powers necessary or appropriate to carry out and effectuate its corporate purposes, including, without limitation, the following:

(a) to sue and be sued in its own name;
(b) to have an official seal and to alter the same at pleasure;
(c) to have perpetual succession;
(d) to maintain an office at such place or places within this state as it may designate;

(e) to adopt and from time to time amend and repeal bylaws and rules and regulations, not inconsistent with this chapter, to carry into effect the powers and purposes of the authority and the conduct of its business;

(f) to make and execute contracts and all other instruments necessary or convenient for the exercise of its powers and functions;

(g) to acquire real or personal property, or any interest therein, on either a temporary or long-term basis in the name of the authority by gift, purchase, transfer, foreclosure, lease or otherwise including rights or easements; hold, sell, assign, lease, encumber, mortgage or otherwise dispose of any real or personal property, or any interest therein, or mortgage interest owned by it or under its control, custody or in its possession and release or relinquish any right, title, claim, lien, interest, easement or demand however acquired, including any equity or right of redemption in property foreclosed by it and to do any of the foregoing by public sale, with such public bidding as shall be required by the provisions of any other law;

(h) to lease or rent any lands, buildings, structures, facilities or equipment from private parties to effectuate the purposes of this act;

(i) to enter into agreements or other transactions with and accept grants and the cooperation of the United States or any agency thereof or of the state of Idaho or any agency or governmental subdivision thereof in furtherance of the purposes of this act, including but not limited to the development, maintenance, operation and financing of any facility and to do any and all things necessary in order to avail itself of such aid and cooperation;

(j) to receive and accept aid or contributions from any source of money, property, labor or other things of value, to be held, used and applied to carry out the purposes of this act subject to such conditions upon which such grants and contributions may be made, including, but not limited to, gifts or grants from any department or agency of the United States or this state or any community college district for any purpose consistent with this act;

(k) to employ architects, engineers, attorneys, accountants, building construction and financial experts and such other advisors, consultants and agents as may be necessary in its judgment and to fix their compensation;

(l) to procure insurance against any loss in connection with its property and other assets in such amounts and from such insurers as it deems desirable;

(m) to invest any funds not needed for immediate use or disbursement, including any funds held in reserve, in:

(1) bonds, notes and other obligations of the United States or any agency or instrumentality thereof and other securities secured by such bonds, notes or other obligation;

(2) money market funds which are insured or the assets of which are limited to obligations of the United States or any agency or instrumentality thereof;

(3) time certificates of deposit and savings accounts;

(4) commercial paper which, at the time of its purchase, is rated in the highest category by a nationally recognized rating service; and

(5) property or securities in which the state treasurer may invest funds in the state treasury pursuant to section 67-1210, Idaho Code.

(n) to borrow money and issue bonds and notes or other evidences of indebtedness thereof as hereinafter provided;

(o) to the extent permitted under its contract with the holders of bonds, notes and other obligations of the authority to consent to any modification of any contract, lease or agreement of any kind to which the authority is a party;

(p) to manage or operate real and personal property, in the state, take assignments of leases and rentals, proceed with foreclosure actions, or take any other action necessary or incidental to the performance of its corporate duties;

(q) to make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this chapter;

(r) to plan, carry out, acquire, lease and operate facilities and to provide for the construction, reconstruction, improvement, alteration or repair of any facility or part thereof;

(s) to sell, lease, rent or sublease to any state body or community college district, any facility or any space embraced in any facility constructed or leased under this act, to establish and revise the rents or charges therefor and to do any other acts necessary to the management and operation of its facilities;

(t) to do any act necessary or convenient to the exercise of the powers herein granted or reasonably implied therefrom; and

(u) to issue bonds for the state department of education associated with the school modernization facilities fund, pursuant to section 33-913,

Idaho Code, which shall be exempt from the provisions of section 67-6410, Idaho Code.

SECTION 31. That Section 67-7434, Idaho Code, be, and the same is hereby amended to read as follows:

67-7434. LOTTERY DIVIDENDS. ~~(1) Annually, on July 1, the lottery shall transfer three-eighths (3/8) of its net income to the permanent building account; three-eighths (3/8) fund and five-eighths (5/8) of its net income to the school district building account; and one-fourth (1/4) of its net income to the bond levy equalization fund~~ school district facilities fund pursuant to section 33-911, Idaho Code, after reserving sufficient moneys to ensure the continuation of the lottery, as determined by the director and commission.

~~(2) The lottery shall ensure that the distributions made to the permanent building account and the school district building account, pursuant to the provisions of subsection (1) of this section, shall not be less than the amount those accounts received for fiscal year 2008, provided funds are available at the fiscal year 2008 level. Provided however, in the event the level of available funds is less than the fiscal year 2008 level, one-half (1/2) of the available funds shall be transferred to the permanent building account and one-half (1/2) of the available funds shall be transferred to the school district building account.~~

~~(3) In the event the lottery determines that an adjustment to an annual transfer as provided in subsection (1) of this section must be made pursuant to the provisions of subsection (2) of this section, the difference shall be deducted from the one-fourth (1/4) net income transfer that was to be made to the bond levy equalization fund, and the bond levy equalization fund shall receive the remainder, if any.~~

SECTION 32. That Section 33-356, Idaho Code, be, and the same is hereby amended to read as follows:

33-356. SCHOOL BUILDING DESIGN AND ENERGY EFFICIENCY.

~~(1) (a) School districts may seek to qualify for a reduction in building replacement value calculation for qualified, newly constructed public school buildings pursuant to section 33-1019(4), Idaho Code.~~

~~(b) Each school district that seeks to qualify a newly constructed building for the building replacement value calculation provided for in section 33-1019(4), Idaho Code, shall use integrated design practices and fundamental commissioning in the design and construction of such building.~~

~~(c) Following the first year of operations of a building that was certified in accordance with the provisions of subsection (5)(a) of this section, the germane school district shall perform or cause to be performed an annual optimization review of the qualifying building. Such annual optimization review shall be performed in a manner that is consistent with rules promulgated pursuant to this section. Such school district shall thereafter perform or cause to be performed an annual optimization review each year it seeks to qualify such building for the building replacement value calculation provided in section 33-1019(4), Idaho Code.~~

~~(2) (1) For purposes of this section, the following terms shall have the following meanings:~~

~~(a) "Fundamental commissioning" means the use of a third party to review building design and building system specifications and to specify and monitor preoccupancy system testing to ensure functional integration of specified systems and functional operation of systems at the completion of a project.~~

(b) "Integrated design" means a process to develop consensus among the project team and owner as to the energy savings and building performance goals of the project and to identify design strategies to achieve those goals, including documentation strategies for design decisions to ensure accurate implementation of design through construction.

~~(3)~~ (2) It shall be the duty and responsibility of the administrator of the division of occupational and professional licenses to provide assistance to school districts to ensure school districts can access the technical and educational support needed to implement the processes of integrated design and fundamental commissioning. It shall further be the duty and responsibility of the administrator of the division of occupational and professional licenses to compile and cause to be made available to school districts a list of all third-party building commissioning agents in Idaho and contiguous states. The administrator shall ensure that all commissioning agents that appear on such list are certified by the building commissioning association or other similar certifying entity. The administrator shall ensure that such list is updated annually.

~~(4)~~ (3) The administrator of the division of occupational and professional licenses is hereby authorized and directed to promulgate rules in accordance with the provisions of chapter 52, title 67, Idaho Code, that provide the guidance, education and technical information necessary for school districts to implement the processes of integrated design and fundamental commissioning. The administrator is authorized to expand upon the terms defined in subsection ~~(2)~~ (1) of this section, and to provide additional definitions as needed. In addition, the administrator shall promulgate rules governing annual optimization review and evaluation of germane building systems to ensure optimal performance of such systems and maximum energy savings and building performance. Such rules shall include, but not be limited to, a definition for the minimum scope of work required for annual optimization.

~~(5) (a) The administrator of the division of occupational and professional licenses shall certify to the state department of education when a building has qualified for school building replacement value calculation exclusions as provided for in section 33-1019(4), Idaho Code. As part of such certification, the administrator shall state specifically the school building(s) and the square footage thereof that shall be excluded from the school building replacement value calculations.~~

~~(b) Following the first year of operations of a building that was certified in accordance with the provisions of paragraph (a) of this subsection, the administrator of the division of occupational and professional licenses shall certify to the state department of education when such building has undergone an annual optimization review as provided in subsection (1)(c) of this section. Such certification shall ensure that the qualifying building meets or exceeds the requirements of annual optimization review rules promulgated pursuant to subsection (4) of this section.~~

SECTION 33. That Section 33-1018C, Idaho Code, be, and the same is hereby amended to read as follows:

33-1018C. PUBLIC EDUCATION STABILIZATION FUND -- REPLACEMENT FUNDS. In the event that moneys are withdrawn from the public education stabilization fund for the circumstances authorized pursuant to section 33-1018 ~~or 33-1018B~~, Idaho Code, then the joint finance-appropriations committee shall consider transferring the amount of the withdrawal as a supplemental appropriation to the public education stabilization fund for the current fiscal year.

SECTION 34. That Section 33-1102, Idaho Code, be, and the same is hereby amended to read as follows:

33-1102. PURPOSES FOR WHICH BONDS MAY BE ISSUED. The purposes for which bonds may be issued shall be: To acquire, purchase or improve a school site or school sites; to build a schoolhouse or schoolhouses or other building or buildings; to demolish or remove school buildings; to add to, remodel or repair any existing building; to furnish and equip any building or buildings, including all lighting, heating, ventilation and sanitation facilities and appliances necessary to maintain and operate the buildings of the district; to purchase school buses and to acquire, develop or renovate school facilities to establish, create and develop renewable energy systems as described in section 33-604, Idaho Code. ~~The provisions of section 33-906, Idaho Code, shall not apply to bonds or portions of bonds issued to acquire, develop or renovate school energy systems as authorized in section 33-604, Idaho Code, when the school district begins to sell thermal energy for revenue as authorized in section 33-605, Idaho Code.~~

SECTION 35. That Section 40-718, Idaho Code, be, and the same is hereby amended to read as follows:

40-718. GARVEE FUNDS ESTABLISHED -- CAPITAL PROJECT FUND -- DEBT SERVICE FUND. (1) There is established in the state treasury a fund known as the "GARVEE Capital Project Fund" which shall include:

(a) Any draw by the board of proceeds from the transportation bonds or notes issued by the Idaho housing and finance association in accordance with chapter 62, title 67, Idaho Code.

(b) Interest earned on the investment of idle moneys in the GARVEE capital project fund shall be paid to the GARVEE capital project fund.

Disbursements from this fund shall be made for projects in accordance with chapter 3, title 40, Idaho Code. All moneys in the fund are hereby continuously appropriated to the department.

(2) There is established in the state treasury a fund known as the "GARVEE Debt Service Fund" for the purpose of paying the principal, interest and other amounts required for transportation bonds or notes of the Idaho housing and finance association in accordance with chapter 62, title 67, Idaho Code. The fund shall include:

(a) Amounts transferred from the state highway account upon certification by the Idaho housing and finance association to the state controller, state treasurer and the board as necessary for payment of principal, interest and other amounts required for transportation bonds or notes.

(b) Amounts distributed pursuant to section 63-2520 (b) ~~(5)~~ (4), Idaho Code. Provided that such moneys distributed to the GARVEE debt service fund pursuant to this paragraph shall be used in combination with the amounts provided for in paragraph (a) of this subsection and shall be used for payment of principal, interest and other amounts required for transportation bonds or notes.

(c) Interest earned on the investment of idle moneys in the GARVEE debt service fund shall be paid to the GARVEE debt service fund.

From moneys within this fund, there are hereby continuously appropriated such amounts as, from time to time, shall be certified by the Idaho housing and finance association to the state controller, state treasurer and the board as necessary for payment of principal, interest and other amounts required for transportation bonds or notes of the Idaho housing and finance association in accordance with chapter 62, title 67, Idaho Code, which amounts shall be paid over as directed by the association.

SECTION 36. An emergency existing therefor, which emergency is hereby declared to exist, Sections 2 and 3 of this act shall be in full force and effect on and after passage and approval, and retroactively to January 1, 2024, and Sections 1 and 4 through 35 shall be in full force and effect on and after July 1, 2024.

Approved March 29, 2024

CHAPTER 238
(S.B. No. 1291)

AN ACT

RELATING TO STATE GOVERNMENT AND STATE AFFAIRS; AMENDING CHAPTER 23, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-2347A, IDAHO CODE, TO PROHIBIT CONTRACTS WITH COMPANIES BOYCOTTING CERTAIN SECTORS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 23, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-2347A, Idaho Code, and to read as follows:

67-2347A. PROHIBITION ON CONTRACTS WITH COMPANIES BOYCOTTING CERTAIN SECTORS. (1) Except as provided in subsection (2) of this section, a public entity may not enter into a contract with a company for goods or services unless the contract contains a written certification from the company that it is not currently engaged in, and will not for the duration of the contract engage in, a boycott of any individual or company because the individual or company:

- (a) Engages in or supports the exploration, production, utilization, transportation, sale, or manufacture of fossil fuel-based energy, timber, minerals, hydroelectric power, nuclear energy, or agriculture; or
- (b) Engages in or supports the manufacture, distribution, sale, or use of firearms, as defined in section 18-3302(2)(d), Idaho Code.

(2) Subsection (1) of this section shall not apply to a public entity that determines that the requirements of subsection (1) of this section are inconsistent with the public entity's constitutional or statutory duties related to the issuance, incurrence, or management of debt obligations or the deposit, custody, management, borrowing, or investment of funds. Subsection (1) of this section also does not apply to a public entity that determines that the requirements of subsection (1) of this section would be, with respect to a specific contract, contrary to the business needs of the public entity and would prevent the public entity from fulfilling its legal duties or obligations.

(3) This section applies only to a contract that:

- (a) Is between a public entity and a company with ten (10) or more full-time employees; and
- (b) Has a value of one hundred thousand dollars (\$100,000) or more that is to be paid wholly or partly from public funds of the public entity.

(4) As used in this section:

- (a) "Boycott" means, without a reasonable business purpose, refusing to deal with an individual or organization, terminating business with an individual or organization, or taking another action that is intended to penalize, inflict economic harm on, or limit commercial relations with an individual or organization because the individual or organization:

- (i) Engages in a particular business sector;
- (ii) Engages in a particular business sector and does not commit or pledge to meet standards beyond applicable federal and state law; or
- (iii) Does business with an individual or organization that engages in a particular business sector.

(b) "Company" means any for-profit or nonprofit organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, limited liability company, or other entity or business association, including all wholly owned subsidiaries, majority-owned subsidiaries, parent companies, or affiliates of those entities or business associations.

(c) "Public entity" means the state of Idaho or any political subdivision thereof, including all boards, commissions, agencies, institutions, authorities, and bodies politic and corporate of the state, created by or in accordance with state laws or regulations.

(d) "Reasonable business purpose" means any purpose directly related to:

- (i) Promoting the financial success or stability of the company;
- (ii) Mitigating risk to the company;
- (iii) Complying with legal or regulatory requirements; or
- (iv) Limiting liability of the company.

(5) The provisions of this section shall apply to contracts executed on and after July 1, 2024. Upon discovering that a contract fails to comply with the provisions of this section, the contracting authority shall have a period of ninety (90) days to obtain the written certification described in subsection (1) of this section. After such time, any contract continuing to violate the provisions of this section shall be void. Any contract executed prior to July 1, 2024, that violates the provisions of this section shall not be renewed unless the contracting authority obtains the written certification described in subsection (1) of this section.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved March 29, 2024

CHAPTER 239
(H.B. No. 624)

AN ACT

RELATING TO THE COMMERCIAL PROPERTY ASSESSED CAPITAL EXPENDITURE ACT; AMENDING TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 38, TITLE 67, IDAHO CODE, TO ESTABLISH A SHORT TITLE, TO PROVIDE LEGISLATIVE FINDINGS AND INTENT, TO DEFINE TERMS, TO AUTHORIZE C-PACE VOLUNTARY SPECIAL ASSESSMENTS BY A LOCAL GOVERNMENT, TO AUTHORIZE A LOCAL GOVERNMENT TO ESTABLISH A C-PACE PROGRAM, TO PROVIDE PROCEDURES TO ESTABLISH A C-PACE PROGRAM, TO PROVIDE C-PACE PROGRAM REQUIREMENTS, TO PROVIDE FOR A C-PACE APPLICATION AND REVIEW PROCESS, TO PROVIDE FOR AUTHORIZED ACTIONS BY A PROPERTY OWNER, TO REQUIRE THE RECORDATION OF CERTAIN DOCUMENTS, TO PROVIDE FOR THE EFFECT OF RECORDING, TO PROVIDE FOR CONTRACTS WITH OTHER GOVERNMENTAL ENTITIES, TO AUTHORIZE JOINT IMPLEMENTATION OR ADMINISTRATION, TO PROHIBIT CERTAIN ACTIONS BY A LOCAL GOVERNMENT, AND TO PROHIBIT ANY USE OF FULL FAITH AND CREDIT; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 38, Title 67, Idaho Code, and to read as follows:

CHAPTER 38
COMMERCIAL PROPERTY ASSESSED CAPITAL EXPENDITURE ACT

67-3801. SHORT TITLE. This act shall be known and may be cited as the "Commercial Property Assessed Capital Expenditure Act."

67-3802. LEGISLATIVE FINDINGS AND INTENT. It is the intent of the legislature to authorize the establishment of a commercial property assessed capital expenditure (C-PACE) program that local governments may voluntarily implement to ensure that free and willing owners of agricultural, commercial, industrial, or multifamily residential properties can obtain low-cost, long-term financing for qualifying improvements. The legislature finds that enabling local governments to adopt C-PACE programs serves a valid public purpose because the use of C-PACE programs will increase economic development, lower insurance costs, and lower disaster and emergency response costs to local governments. C-PACE programs will also decrease energy and water costs and encourage energy and water sustainability.

67-3803. DEFINITIONS. As used in this chapter:

(1) "Capital provider" means a private third-party entity, including its designee, successor, and assigns, that provides or funds C-PACE financing, including refinancing, pursuant to this chapter.

(2) (a) "Commercial property" means:

(i) Privately owned commercial, industrial, or agricultural real property; or

(ii) Privately owned residential real property consisting of five (5) or more dwelling units.

(b) "Commercial property" includes:

(i) property owned by nonprofit, charitable, or religious organizations; or

(ii) One (1) or more owner-occupied or rental condominium units affiliated with a hotel.

(3) "C-PACE program" or "program" means a commercial property assessed capital expenditure program established pursuant to the provisions of this chapter.

(4) "Financing" means financing and refinancing for qualified projects pursuant to this chapter.

(5) "Financing agreement" means a contract under which a property owner agrees to repay a capital provider for the C-PACE financing, including but not limited to details of finance charges, fees, debt servicing, accrual of interest and penalties, and terms relating to treatment of prepayment and partial payment, billing, collection, and enforcement of the C-PACE financing.

(6) "Local government" means a county, municipality, or other political subdivision of this state.

(7) "Program administrator" means a local government department or individual designated to administer a C-PACE program or a private independent third party designated by the local government to administer a program in conformance with the administration procedures provided in this chapter.

(8) "Program guidebook" means a comprehensive document created by a local government that illustrates the applicable program and establishes appropriate guidelines, specifications, underwriting and approval criteria, and standard application forms consistent with the administration of a program pursuant to this chapter, including:

(a) A form for an assessment contract between the local government and the property owner for specifying the terms of assessment under the program, financing provided by a third party, and remedies for default or foreclosure;

(b) A form for a local government notice of assessment and C-PACE lien; and

(c) A form for a notice of assignment of assessment and C-PACE lien between a local government and a capital provider.

(9) "Project application" means an application submitted to a program to demonstrate that a proposed project qualifies for C-PACE financing and for a C-PACE assessment and lien.

(10) "Property owner" means the owner or owners on the title, duly recorded, or the owner of an estate for years created pursuant to a written lease agreement or similar agreement, of a commercial property;

(11) "Qualified improvement" means a permanent improvement installed and affixed to commercial property and intended to:

(a) Decrease energy consumption or demand through the use of efficiency technologies, products, or activities that reduce or support the reduction of energy consumption;

(b) Support the production of renewable energy, including through the use of a product, device, or interacting group of products or devices on the customer's side of the meter that provides thermal energy or regulates temperature;

(c) Decrease water consumption or demand, increase water conservation and storage, and address safe drinking water through the use of efficiency technologies, products, or activities that reduce or support the reduction of water consumption or increase the storage of water;

(d) Allow for the reduction or elimination of lead from water that may be used for drinking or cooking; or

(e) Increase water or wastewater resilience, including through storm retrofits, flood mitigation, and stormwater management, or increase wind resistance, energy storage, microgrids, or structures, measures, or other improvements that reduce land use impact, and other resilience projects approved by the local government.

(12) "Qualified project" means a project approved by the program administrator, involving the installation or modification of a qualified improvement, including new construction or the adaptive reuse of eligible property with a qualified improvement. Qualified improvements installed and operational no more than three (3) years prior to the date of application are eligible as qualified projects.

(13) "Region" means a geographical area eligible for a C-PACE program as determined by a local government pursuant to section 67-3805, Idaho Code.

(14) "Special assessment" means a voluntary assessment imposed by a local government on real property located within the boundaries of a C-PACE program.

67-3804. C-PACE VOLUNTARY SPECIAL ASSESSMENTS BY A LOCAL GOVERNMENT. (1) A local government may impose a voluntary special assessment to repay the financing of qualified projects on commercial property located in a region.

(2) A local government shall not impose an assessment to repay the financing of the purchase or installation of products or devices not permanently affixed to commercial property.

(3) A local government may impose a voluntary special assessment only after a project application is approved. The special assessment must be created through a written contract between the local government and the property owner of the property to be assessed.

(4) Prior to entering into the written assessment contract, the property owner shall obtain and furnish to the local government a written statement, executed and acknowledged by an authorized officer of each holder of a mortgage or deed of trust on the property securing indebtedness in the officer's sole and absolute discretion, consenting to the assessment and indicating that the assessment does not constitute an event of default under the mortgage or deed of trust.

67-3805. C-PACE PROGRAM -- AUTHORIZATION. (1) A local government may establish a C-PACE program and exercise all powers granted pursuant to this chapter.

(2) (a) The local government shall designate a region within its boundaries as an area in which C-PACE projects are permissible.

(b) If the local government is a county, then the region designated may encompass the whole of the unincorporated and incorporated areas inside the county's boundaries.

(3) A local government that establishes a program may enter into written agreements with a property owner to impose voluntary assessments to repay such owner's financing of a qualified project on the owner's property, provided that the conditions of section 67-3804, Idaho Code, are met.

(4) A local government may administer a program or delegate administration of a program pursuant to section 67-3806(4), Idaho Code.

(5) If the program provides for third-party administration, then the local government official authorized to enter into a written contract with a property owner pursuant to section 67-3806(1)(a)(viii), Idaho Code, shall also enter into a written contract with the party that administers the program. The contract must require the third party to reimburse the local government for costs associated with monitoring the program, imposing the assessment, and billing and collecting payments on behalf of the third party.

(6) The financing for assessments imposed may include but is not limited to:

(a) The cost of materials and labor necessary for the installation or modification of a qualified improvement;

(b) Permit fees;

(c) Inspection fees;

(d) Lender fees;

(e) Program application and administrative fees;

(f) Project development and engineering fees;

(g) Interest reserves;

(h) Capitalized interest, in an amount determined by the owner of the commercial property and the third party providing financing pursuant to this chapter; and

(i) Other fees or costs incurred by the property owner incidental or ancillary to the installation, modification, or improvement on a specific or pro rata basis, as determined by the local government.

(7) The written assessment contract constitutes written notice to the property owner that the owner may be responsible for the payment of any remaining principal balance of the assessment upon the refinance or sale of the property unless the remaining principal balance is assumed by the acquiring property owner. The local government shall require each property owner to acknowledge, in writing, the notice as part of the execution of the contract.

67-3806. PROCEDURES TO ESTABLISH A C-PACE PROGRAM. (1) To establish a C-PACE program pursuant to this chapter, the local government must:

(a) Adopt a resolution of intent that includes:

- (i) A finding that the financing of qualified projects through special assessments is a valid public purpose;
- (ii) A statement that the local government intends to authorize direct financing between property owners and capital providers as the means to finance qualified projects;
- (iii) A statement that the local government intends to authorize special assessments, entered into voluntarily by a property owner with the local government by means of the written assessment contract, to repay the financing for qualified projects available to property owners;
- (iv) A description of the types of projects that may qualify for voluntary special assessments;
- (v) A description of the boundaries of the region;
- (vi) A description of the proposed arrangements for administration of the program according to the provisions of this chapter;
- (vii) A statement of the time and place for a public hearing on the proposed program as required in paragraph (b) of this subsection; and
- (viii) A statement designating the local official, department, or employee charged with administering the program and executing written agreements with property owners to impose voluntary assessments on a property.

(b) Hold a hearing for the public to comment on the proposed program as outlined in the resolution of intent; and

(c) Following such hearing, adopt a resolution establishing the program and its terms.

(2) Subject to the terms of the resolution establishing the program as provided in subsection (1) (c) of this section, the local government may amend a program by resolution.

(3) The enactment of a resolution establishing a program and its terms shall allow a local government to place voluntary special assessments on property without any additional action by the local government.

(4) A local government may:

- (a) Hire and set the compensation of a program administrator and program staff; or
- (b) Delegate or contract for professional or administrative services necessary to administer the program on a nonexclusive basis.

(5) A local government is authorized to impose service fees to offset the actual and reasonable costs of administering a program. A fee of no more than five hundred dollars (\$500) may be charged at the time of a property owner's application. In addition, a servicing fee for approved applications may be calculated as one percent (1%) of the total amount financed, not to exceed fifty thousand dollars (\$50,000).

67-3807. C-PACE PROGRAM REQUIREMENTS. The terms of a program established pursuant to section 67-3806(3), Idaho Code, shall include:

(1) Appropriate eligibility factors, including certification by the property owner that:

- (a) The property owner requesting to participate in the program:
 - (i) Is the legal owner of the benefited property;
 - (ii) Is current on mortgage and property tax payments; and
 - (iii) Is not insolvent or in bankruptcy proceedings; and
- (b) The title of the benefited property is not in dispute;

- (2) A requirement that:
 - (a) The total debt secured by the property, including the C-PACE assessment, does not exceed ninety percent (90%) of the fair market value of the property as complete or as stabilized;
 - (b) The C-PACE assessment does not exceed:
 - (i) In the case of new construction, thirty-five percent (35%) of the fair market value of the property as complete or as stabilized; or
 - (ii) In the case of a retrofit of existing property, twenty-five percent (25%) of the fair market value of the property as completed or as stabilized; and
 - (c) The determination of fair market value shall be established by a qualified appraisal completed no more than twelve (12) months prior to the time of application;
- (3) A description of the types of qualified projects that may be subject to special assessments;
- (4) A statement identifying the local government official authorized to enter into and execute written contracts on behalf of the local government;
- (5) A statement that the period of the special assessment must not exceed the weighted average of the useful life of the qualified project that is the basis for the assessment;
- (6) A statement explaining the manner in which property will be assessed and how assessments will be collected; and
- (7) The procedures for billing and collecting voluntary special assessments and remedies for enforcement of a delinquent special assessment.

67-3808. C-PACE APPLICATION AND REVIEW PROCESS. (1) A local government participating in a C-PACE program must establish the form and manner of a C-PACE application and review process to evaluate project applications for C-PACE financing. At a minimum, an application shall require that:

- (a) An applicant must demonstrate that the project provides one (1) or more of the following benefits to the public:
 - (i) Energy or water resource conservation;
 - (ii) Reduced public health costs or risk; or
 - (iii) Reduced public emergency response cost or risk;
- (b) For an existing building, an applicant must provide an energy analysis by a licensed engineering firm, engineer, or other qualified professional listed in the program guidebook and:
 - (i) Where energy or water usage improvements are proposed, a statement by the author of the analysis that the proposed qualified improvements will result in either more efficient use or conservation of energy or water or the addition of renewable sources of energy or water; or
 - (ii) Where resilience improvements are proposed, a statement by the author of the analysis that the qualified improvements will result in improved resilience; and
- (c) For new construction, an applicant must provide certification by a licensed engineering firm, engineer, or other qualified professional stating that the proposed qualified improvements will enable the project to:
 - (i) Exceed the current building code's requirements for one (1) or more of the following:
 1. Energy efficiency;
 2. Water efficiency;
 3. Renewable energy; or
 4. Renewable water; or

(ii) Meet or exceed resilience standards for the local government's building codes or, if none are available, compliance with a nationally available and recognized resiliency standard.

(2) A local government shall establish a process for reviewing and approving applications for financing. The local government may require a capital provider to certify to the local government, in accordance with a process approved by the local government, that the property owner and the project meet the requirements of this chapter and the program guidebook and qualify for financing pursuant to this chapter.

(3) The local government's duties shall also include:

(a) Execution and recording of the written assessment contract between the property owner and a duly authorized official of the local government, as well as execution and recording of the local government notice of assessment and C-PACE lien; and

(b) Execution and recording of the notice of assessment and C-PACE lien, assignment of the assessment agreement to the capital provider, and notice of assignment of assessment and C-PACE lien to the capital provider.

(4) The local government may bill, collect, and enforce the special assessment in the same time and same manner as a property tax, or the local government may assign to the capital provider providing financing the sole responsibility for billing, collection, and enforcement of the special assessment and lien. The decision of the local government to delegate must be made no later than the execution of the written assessment contract. After one (1) year from the date of any delinquency, enforcement of a delinquent assessment payment by a capital provider shall be made in the same manner as that prescribed in chapter 15, title 45, Idaho Code, for a deed of trust, except assessments not yet due may not be accelerated or eliminated by foreclosure of the past due amounts of the lien, or a property tax foreclosure or any other foreclosure of an indebtedness on the property. In any enforcement action by either the local government or capital provider, any outstanding and delinquent local property taxes at the time of the enforcement action must be satisfied prior to the delinquent amounts of the special assessment.

(5) The local government, its officers, and employees are not liable at law or equity for actions taken pursuant to this section, except in cases of gross negligence, recklessness, or willful misconduct.

(6) After an approved project is completed, an applicant shall provide to the local government written verification, as defined in the program guidebook, stating that the qualified project was properly completed and is operating as intended.

67-3809. AUTHORIZED ACTIONS. The proposed arrangements for financing a qualified project may authorize the property owner to:

(1) Directly purchase the equipment and materials for the installation or modification of a qualified improvement; or

(2) Contract directly, including through a lease, power purchase agreement, or other service contract, for the equipment and materials used in the installation or modification of a qualified improvement.

67-3810. RECORDING OF CERTAIN DOCUMENTS REQUIRED. (1) A local government that authorizes financing through special assessments pursuant to this chapter shall:

(a) File a written notice of assessment and C-PACE lien in the records of the office of the county register of deeds of the county in which the property is located. The notice must contain:

(i) The amount of the assessment;

(ii) The legal description of the property;

- (iii) The name of each property owner;
 - (iv) A copy of the written assessment contract; and
 - (v) A reference to this chapter authorizing the placement of the assessment and C-PACE lien on the property;
- (b) File and record each C-PACE lien in the real property records of the county in which the property is located. The recording must contain:
- (i) The legal description of the property;
 - (ii) The name of each property owner;
 - (iii) The date on which the lien was created;
 - (iv) The principal amount of the lien; and
 - (v) The term of the lien; and
- (c) Record the executed assignment of the assessment agreement, notice of assignment of assessment, and C-PACE lien.

(2) A local government may delegate the recording responsibilities set forth in subsection (1) of this section to the capital provider receiving the assignment. If billing, collection, and enforcement are delegated to the capital provider, a copy of the assignment and delegation shall be recorded in addition to the requirements of subsection (1) of this section.

67-3811. EFFECT OF RECORDING. (1) A special assessment and any interest or penalties on the assessment:

- (a) Is a first and prior lien against the commercial property on which the assessment is imposed, from the date on which the notice of special assessment is recorded pursuant to section 67-3810, Idaho Code, until the assessment, interest, and penalty is paid; and
- (b) Is junior to any lien for any other local government property tax or ad valorem tax.

(2) The lien runs with the land, and any portion of the assessment under the assessment contract that is not yet due must not be accelerated or eliminated by foreclosure of a property tax lien or any other foreclosure.

(3) A provision of a deed of trust, mortgage, or other agreement between a lienholder and a property owner providing for the acceleration of any payment under the deed of trust, mortgage, or agreement solely as the result of entering into an agreement to finance an assessment authorized by this chapter is unenforceable as to an executed consent pursuant to section 67-3804(4), Idaho Code. A lienholder or loan servicer may increase the monthly amount held in escrow as required to annually pay the assessment.

67-3812. CONTRACTS WITH OTHER GOVERNMENTAL ENTITIES. The local government implementing a C-PACE program pursuant to this chapter may contract with another local governmental entity, including a county assessor of property, to perform the duties of the local government relating to the billing, collection, enforcement, and remittance of special assessments imposed pursuant to this chapter.

67-3813. JOINT IMPLEMENTATION OR ADMINISTRATION. (1) A combination of local governments may agree to jointly implement or administer a program pursuant to this chapter.

(2) If two (2) or more local governments implement a program jointly, then a single public hearing held jointly by the cooperating local governments is sufficient to satisfy section 67-3806(1)(b), Idaho Code.

(3) One (1) or more local governments may contract with a third party, including another local government, to administer a C-PACE program on a nonexclusive basis.

(4) If one (1) or more local governments contract with a third party, including another local government, to administer a C-PACE program, then other qualified third parties must also be granted the right to enter into a contract to administer the program on the same terms.

67-3814. PROHIBITED ACTIONS. A local government that establishes a region, as defined in section 67-3803, Idaho Code, shall not:

(1) Make the issuance of a permit, license, or other authorization from the local government to a person who owns property in the region contingent on the person entering into a written contract to repay the financing of a qualified project through special assessments pursuant to this chapter; or

(2) Otherwise compel a person who owns property in the region to enter into a written contract to repay the financing of a qualified project through special assessments.

67-3815. NO FULL FAITH AND CREDIT. The state or any local government shall not use public funds to fund or repay a loan between a capital provider and a property owner. This chapter does not pledge, offer, or encumber the full faith and credit of a local government. A local government shall not pledge, offer, or encumber its full faith and credit for a lien amount through a C-PACE program.

SECTION 2. SEVERABILITY. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this act.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved March 29, 2024

CHAPTER 240
(H.B. No. 632)

AN ACT

RELATING TO NATUROPATHIC DOCTOR LICENSING; AMENDING SECTION 54-5905, IDAHO CODE, TO REVISE PROVISIONS REGARDING VOLUNTARY NATUROPATHIC DOCTOR LICENSURE REQUIREMENTS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 54-5905, Idaho Code, be, and the same is hereby amended to read as follows:

54-5905. VOLUNTARY NATUROPATHIC DOCTOR LICENSURE -- REQUIREMENTS -- LIMITATIONS. (1) An applicant shall be qualified for voluntary licensure as a naturopathic doctor pursuant to this chapter if such applicant:

(a) Possesses current, valid, and unrestricted licensure in any state, district, or territory of the United States in at least one (1) of the following medical professions:

(i) Medical doctor or doctor of osteopathy;

(ii) Podiatrist;

(iii) Dentist;

(iv) Chiropractor, if such applicant possesses an accredited doctoral degree in chiropractic medicine as required pursuant to chapter 7, title 54, Idaho Code; or

- (v) Nurse, if such applicant possesses a level of training and education equivalent to an advanced practice registered nurse pursuant to chapter 14, title 54, Idaho Code, and has achieved an accredited doctorate degree in nursing;
- (b) ~~Has a valid doctoral degree in naturopathy as approved by the board from an institution accredited by the United States department of education;~~ Has obtained a certificate of satisfactory completion of a naturopathic doctor curriculum consisting of at least one hundred sixty (160) credit hours from an institution accredited by an accreditation agency approved by the United States department of education;
- (c) Has not pled guilty to or been convicted of a crime that is deemed relevant in accordance with section 67-9411(1), Idaho Code, unless such applicant demonstrates that he has been sufficiently rehabilitated to warrant the public trust; and
- (d) Completes any one (1) of the following:
- (i) ~~Two (2) years of experience in the practice of naturopathic health care acceptable to the board, one (1) year of which may include predoctoral practicum or internship and one (1) year of which must be postdoctoral~~ At least four (4) years of experience in the practice of naturopathic health care in Idaho that is acceptable to the board; provided, however, a practitioner who has at least two (2) years of naturopathic health care experience that is acceptable to the board and that occurred on or before July 1, 2024, shall satisfy the requirements of this paragraph;
- (ii) Passage of an Idaho state examination proving minimum competency and skills, to be developed and approved by the board by rule and the American naturopathic medical certification board pursuant to this chapter; or
- (iii) Passage of any accredited national board examination that certifies the individual has achieved minimum competency and skills in the practice of naturopathic health care as approved by the board by rule.
- (2) A license issued under this chapter shall:
- (a) Be issued in the name of the licensed naturopathic doctor;
- (b) State the issue and expiration date; and
- (c) Always be displayed in a conspicuous manner in the place of business or employment of the licensee.
- (3) A licensed naturopathic doctor may also use the title "licensed doctor of natural health" or "licensed naturopathic practitioner."
- (4) All applications for licensing shall be reviewed and approved by the board on an individual basis.
- (5) A person who is not licensed pursuant to this chapter shall not:
- (a) Hold himself out as a naturopathic doctor licensed under this chapter;
- (b) Use or advertise using the title of licensed naturopathic doctor (LND), licensed naturopathic practitioner (LNP), or any variant thereof; or
- (c) Use any words, abbreviations, figures, configuration of letters, titles, signs, cards, or devices tending to imply that the person is a naturopathic doctor licensed in the state of Idaho.
- (6) Notwithstanding the provisions of subsection (5) of this section, a person who is a licensed naturopathic medical doctor pursuant to chapter 51, title 54, Idaho Code, may use the title "licensed naturopathic doctor."
- (7) No license shall be issued by the board until the board has finalized and approved licensure requirements by rule as provided by this chapter and the legislature has approved all rules governing licensure adopted by the board.

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

Approved March 29, 2024

CHAPTER 241
(H.B. No. 489)

AN ACT

RELATING TO ESSENTIAL CAREGIVERS; AMENDING SECTION 39-9801, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 39-9802, IDAHO CODE, TO PROVIDE LEGISLATIVE FINDINGS AND TO PROVIDE FOR STATUTORY CONSTRUCTION; AMENDING SECTION 39-9803, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE RIGHT TO ESSENTIAL CAREGIVERS AND TO PROVIDE FOR A CERTAIN POLICY AND TRAINING; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 39-9801, Idaho Code, be, and the same is hereby amended to read as follows:

39-9801. DEFINITIONS. As used in this chapter:

- (1) "Assistance" means aid in meeting daily living needs.
- (2) "Essential caregiver" means ~~a person or persons designated by a patient or resident to visit the patient or resident in person at a facility. patient's or resident's spouse, adult child, parent, guardian, conservator, health care agent, or surrogate decision-maker as described in section 39-4504, Idaho Code, and may also include any person or persons designated by a patient, resident, or surrogate decision-maker to visit the patient or resident at the facility. The patient, resident, or surrogate decision-maker may revoke the designation of essential caregiver at any time. A facility may not:~~
 - (a) Limit the number of essential caregivers that may be designated by a patient, resident, or surrogate decision-maker; or
 - (b) Define the term "essential caregiver" more narrowly than the term is defined in this section.
- (3) "Facility" means an institution providing health care services, a health care setting, or a setting in which to receive assistance, including but not limited to hospitals and other licensed inpatient centers, ambulatory surgical or treatment centers, nursing facilities, skilled nursing centers, residential treatment centers, rehabilitation and other therapeutic health settings, or assisted living facilities.
- (4) "Health care services" means services for the diagnosis, prevention, treatment, cure, or relief of a health condition, illness, injury, or disease.
- (5) "Patient" means a person seeking or receiving health care services at a facility.
- (6) "Resident" means a person seeking or receiving assistance at a facility.

SECTION 2. That Section 39-9802, Idaho Code, be, and the same is hereby amended to read as follows:

39-9802. LEGISLATIVE FINDINGS AND INTENT. (1) The legislature finds that:

(a) Idaho families have a constitutionally protected liberty interest in companionship and society with one another;

(b) The access of patients and residents in certain facilities to their family, friends, advocates, clergy, and advisers has been at times severely curtailed;

(c) Involuntary isolation has deleterious effects on a person's health and well-being, and such effects can be severe and even deadly for persons already in a frail state of health; and

(d) No person should be required to surrender the ability to associate simply because the person needs care.

(2) In enacting this chapter, it is the intent of the legislature to guarantee and protect the right of Idahoans to be visited by essential caregivers of their choosing when staying in a health care or assistance facility. The provisions of this chapter should be broadly construed in the light most favorable to serving this intent.

SECTION 3. That Section 39-9803, Idaho Code, be, and the same is hereby amended to read as follows:

39-9803. RIGHT TO ESSENTIAL CAREGIVERS. (1) A patient or resident has the right to in-person visitation from an essential caregiver while receiving assistance or health care services at a facility, even if other visitors are being excluded by the facility. However, the essential caregiver must follow safety and other protocols imposed by the facility, and a facility may place reasonable restrictions as to where and when the essential caregiver may visit and the number of essential caregivers who may visit at the same time. For purposes of this subsection, a restriction is reasonable if the restriction:

(a) Is necessary to prevent the disruption of assistance or health care services to the patient or resident; and

(b) Does not interfere with the patient's or resident's general right to visitation by essential caregivers.

~~(2) A facility that provides or intends to provide health care services or assistance must:~~

~~(a) When practicable, notify a potential patient or resident of the right to designate essential caregivers prior to admission to the facility;~~

~~(b) Provide each patient or resident an opportunity to designate essential caregivers; and~~

(2) If a facility is restricting overall visitation for patients and residents, the facility shall, at the time of intake or as soon as practicable:

(a) Notify a patient, resident, or surrogate decision-maker of the right to:

(i) Designate essential caregivers; and

(ii) Remove individuals from the list of essential caregivers;

(b) Explain to a patient, resident, or surrogate decision-maker that an essential caregiver may be any person and is not required to be a formal caregiver;

(c) Provide each patient, resident, or surrogate decision-maker an opportunity to designate essential caregivers;

(d) Provide each person with legal authority to designate essential caregivers the ability to restrict or remove any essential caregivers from any visitation list for the patient; and

~~(e)~~ (e) Accommodate a patient's ~~or~~, resident's, or surrogate decision-maker's request to have essential caregivers visit within the limits prescribed by this section. If the patient or resident is a minor or incapacitated, visitation requests must be approved by a person with legal authority to make decisions on behalf of the patient or resident, such as a parent, guardian, or conservator.

(3) Patients who are in the custody of a peace officer and all prisoners committed to the custody of the department of correction or confined in a correctional facility as defined in section 18-101A(1), Idaho Code, shall be subject to the visitation terms set by the custodial entity.

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved April 1, 2024

CHAPTER 242
(S.B. No. 1284)

AN ACT

RELATING TO HOSPITAL AND NURSING CARE LIENS; AMENDING SECTION 45-702, IDAHO CODE, TO REQUIRE COPIES OF CLAIMS AND LIENS TO BE SENT BY CERTIFIED MAIL AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 45-702, Idaho Code, be, and the same is hereby amended to read as follows:

45-702. PERFECTING LIEN -- STATEMENT OF CLAIM -- CONTENTS -- FILING. In order to perfect such lien, an officer or agent of such hospital, before, or within ninety (90) days after, such person shall have been discharged therefrom, shall file in the office of the recorder of the county in which such hospital shall be located a verified statement in writing setting forth the name and address of such patient, as it ~~shall appear~~ appears on the records of such hospital, the name and location of such hospital, and the name and address of the officer or agent of such hospital filing the lien, the dates of admission to the hospital and discharge of such patient therefrom, the amount claimed to be due for such hospital care, and, to the best of claimant's knowledge, the names and addresses of all persons, firms, or corporations claimed by such injured person or the legal representative of such person, to be liable for damages arising from such injuries; ~~such~~ . The claimant shall also, within one (1) day after the filing of such claim or lien, mail a copy thereof, postage prepaid by certified mail, return receipt requested, to each person, firm, or corporation so claimed to be liable for such damages, at the address so given in such statement. The filing of such claim or lien shall be notice thereof to all persons, firms or corporations liable for such damages, whether or not they are named in such claim or lien.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved April 1, 2024

CHAPTER 243

(H.B. No. 614, As Amended in the Senate)

AN ACT

RELATING TO FORESTS; AMENDING TITLE 38, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 17, TITLE 38, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE FINDINGS AND POLICY, TO PROVIDE FOR DUTIES AND AUTHORITY, AND TO PROVIDE FOR THE GOOD NEIGHBOR AUTHORITY FUND; AMENDING SECTION 38-102, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE DUTIES OF THE DIRECTOR OF THE DEPARTMENT OF LANDS; AMENDING CHAPTER 1, TITLE 38, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 38-137, IDAHO CODE, TO PROVIDE FOR THE GOOD NEIGHBOR AUTHORITY FUND; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Title 38, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 17, Title 38, Idaho Code, and to read as follows:

CHAPTER 17

SUSTAINABLE MANAGEMENT OF NATIONAL FORESTS

38-1701. SHORT TITLE. This chapter shall be known and may be cited as the "Sustainable Management of National Forests Act."

38-1702. FINDINGS AND POLICY. (1) The legislature finds that the sustainable management of national forests in Idaho is vital to conserving the state's natural resources and its economic and ecological potential for the benefit of all Idahoans.

(2) The legislature finds that national forests in Idaho should be sustainably managed to maintain health, diversity, productivity, regeneration capacity, and vitality with the potential to fulfill relevant ecological, economic, and social functions.

(3) The legislature finds that sustainable forest stewardship and management of Idaho's national forests requires a balanced approach that ensures a stable timber supply, active restoration, healthy watersheds, fish and wildlife habitat, areas for natural processes, and allowances for multiple uses.

(4) The legislature finds that:

(a) There is overwhelming evidence that the management, protection, and conservation of watersheds in Idaho is critical to the well-being of the state;

(b) The water supplies of some of the state's most populous cities and surrounding areas originate in federally managed watersheds that are at risk for catastrophic wildfire, the severity of which could be reduced by proper management;

(c) Wildfires can compromise water quality both during active burning and for months and years after the fire has been extinguished. Burned watersheds are prone to increased flooding and erosion, which can negatively affect water supply reservoirs, water quality, and drinking water treatment processes; and

(d) A burned-out watershed also affects the timing of snow melt and stream flow, which detrimentally affects irrigation and fisheries.

(5) The legislature finds that smoke generated from wildfires poses significant harm to human health, impairs recreational opportunities, and negatively affects local economies throughout Idaho.

(6) The legislature finds that catastrophic wildfire burns hundreds of thousands of acres each year in Idaho, which negatively affects private property and the Idaho endowments, limiting the revenue-generating capacity of the land.

(7) The legislature declares that it is the policy of the state to promote the sustainable use of all national forests within the state through sound management and collaboration with local, state, and federal entities, including good neighbor authority, as provided in 16 U.S.C. 2113a.

38-1703. DUTIES -- AUTHORITY. To implement the policy of section 38-1702, Idaho Code, the Idaho department of lands:

(1) Shall support sustainable forest management practices, including forest restoration, on national forests in Idaho consistent with all applicable laws and administrative requirements;

(2) Shall provide technical information and educational assistance to nonindustrial private forest landowners;

(3) Shall promote forest management activities within and adjacent to the wildland-urban interface and promote the implementation of community wildfire protection plans;

(4) Shall promote a viable forest and wood products industry and other businesses and individual activities that rely on public forest lands;

(5) Shall represent the state's interest in the federal forest management planning and policy process, including establishing cooperative agency status and coordination with federal agencies;

(6) Shall actively participate in the good neighbor authority policy that allows the secretary of the interior or the secretary of agriculture to enter into a cooperative agreement or contract that authorizes the governor to provide watershed restoration and protection services on federal land. Watershed restoration and protection services included in the good neighbor policy shall include the authority to:

(a) Treat insect-infested trees;

(b) Reduce hazardous fuels; and

(c) Conduct any other activities to restore or improve forest, rangeland, and watershed health, including fish and wildlife habitat.

(7) May assist local governmental entities in establishing cooperative agency status and coordination with federal agencies;

(8) Has the authority to intervene in litigation or appeals on federal forest management projects; and

(9) Has the authority to enter into agreements with federal agencies to participate in forest management activities on federal lands.

38-1704. GOOD NEIGHBOR AUTHORITY FUND -- USES. (1) The good neighbor authority fund established in section 38-137, Idaho Code, shall be administered by the department of lands as follows:

(a) All state proceeds allocated or budgeted for the purposes of the good neighbor authority policy established by this chapter shall be deposited in the good neighbor authority fund.

(b) Money received by the state in the form of gifts, grants, reimbursements, or allocations from any source intended to be used for the purposes of the good neighbor authority policy established pursuant to this chapter shall be deposited in the good neighbor authority fund.

(c) Federal moneys received by the state through good neighbor agreements with the federal government shall be deposited in the good neighbor authority fund.

(2) Moneys in the good neighbor authority fund established in section 38-137, Idaho Code, are hereby continuously appropriated, as provided in section 67-3514, Idaho Code, to the department of lands to carry out only the provisions of the good neighbor authority policy established in this chapter.

SECTION 2. That Section 38-102, Idaho Code, be, and the same is hereby amended to read as follows:

38-102. DUTIES OF DIRECTOR OF DEPARTMENT OF LANDS. It shall be the duty of the director of the department of lands to execute the provisions of this chapter, and the rules and regulations of the state board of land commissioners pertaining to forest and watershed protection; to represent the state in cooperation with forest owners and others in forest protection work; to further the enforcement of laws for the protection and preservation of forests; to establish a policy implementing good neighbor authority, as provided in 16 U.S.C. 2113a, that directs the department to enter into a cooperating and coordinating agreement or contract that authorizes the department to engage in forest management and education activities; to collect and disseminate information upon forest resources and forest conditions; to promote community forest management on public and private lands; to report to the state board of land commissioners concerning the improvement and management of the state's forest holdings; to advise farmers and others concerning the development and management of woodlots and forest tracts; and to make such investigation and take such steps as shall lead to the adoption and execution of a comprehensive state forest policy in the interest of the entire state. The director shall furnish such information, make such recommendations, and perform such duties as may be required of him by the state board of land commissioners. The director may delegate all or any portion of his duties or responsibilities provided under this chapter to one (1) or more division heads or employees of the department of lands.

SECTION 3. That Chapter 1, Title 38, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 38-137, Idaho Code, and to read as follows:

38-137. GOOD NEIGHBOR AUTHORITY FUND. There is hereby created in the state treasury the good neighbor authority fund into which shall be paid the state proceeds, money received by the state, and federal moneys received by the state, as provided in section 38-1704, Idaho Code. Interest earned on moneys in the fund shall be retained by the fund.

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved April 1, 2024

CHAPTER 244
(H.B. No. 576)

AN ACT

RELATING TO SELF-SERVICE STORAGE FACILITIES; AMENDING SECTION 55-2301, IDAHO CODE, TO REVISE A DEFINITION; AMENDING SECTION 55-2304, IDAHO CODE, TO PROVIDE THAT CERTAIN LESSEES CONTINUING TO USE A STORAGE SPACE SHALL CONSTITUTE AN ACCEPTANCE OF RENTAL AGREEMENTS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 55-2306, IDAHO CODE, TO PROVIDE FOR THE DISPOSAL OF PERSONAL PROPERTY UNDER CERTAIN CIRCUMSTANCES; AMENDING SECTION 55-2308, IDAHO CODE, TO REVISE PROVISIONS REGARDING NOTICE TO LESSEES IN DEFAULT; AMENDING SECTION 55-2309, IDAHO CODE, TO REVISE PROVISIONS REGARDING ACCESS RESTRICTION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 55-2301, Idaho Code, be, and the same is hereby amended to read as follows:

55-2301. DEFINITIONS. As used in this chapter:

(1) "Default" means the failure by the lessee to perform, on time, any obligation or duty set forth in the rental agreement or the provisions of this chapter.

(2) "Last known address" means that address provided by the lessee in the rental agreement or the address provided by the lessee to the operator in a subsequent written notice of a change of address.

(3) "Leased space" means the individual storage space at the self-service storage facility that is or may be rented to a lessee pursuant to a rental agreement. The leased space may be enclosed, covered, or open storage.

(4) "Lessee" means a person, sublessee, successor, or assignee entitled to the use of a leased space at a self-service storage facility under the terms of a rental agreement.

(5) "Operator" means the owner, operator, lessor, or sublessor of a self-service storage facility or an agent or another person authorized to manage the facility or to receive rent from a lessee under a rental agreement. The term does not include a warehouse operator if the warehouse operator issues a warehouse receipt, bill of lading, or other document of title for the personal property stored.

(6) "Personal property" means those items placed within the leased space and includes, but is not limited to, goods, wares, merchandise, motor vehicles, watercraft and household items and furnishings.

(7) "Rental agreement" means a signed, written agreement or contract that establishes or modifies conditions or rules concerning the use and occupancy by a lessee of leased space at a self-service storage facility and includes any signed, written amendment to such an agreement. The rental agreement may be delivered and accepted electronically.

(8) "Self-service storage facility" means any real property used for renting or leasing individual storage space in which the lessees themselves store and remove their own personal property on a "self-service" basis.

(9) "Vehicle" is as defined in section 49-123, Idaho Code, and "trailer" is as defined in section 49-121, Idaho Code. Should the operator choose to proceed with a lien sale of a vehicle, the operator must comply with the provisions of chapter 17, title 49, Idaho Code.

SECTION 2. That Section 55-2304, Idaho Code, be, and the same is hereby amended to read as follows:

55-2304. RENTAL AGREEMENT. (1) From and after July 1, 1990, any operator offering storage spaces in a self-service storage facility for rent shall provide a written rental agreement, which shall be executed by the operator and the lessee. The operator of a self-service storage facility shall provide a lessee with a copy of the rental agreement at the time of the rental by delivery at that time or as provided for in the rental agreement. If the lessee does not sign a rental agreement that the operator has delivered to the lessee, the lessee's continued use of the storage space for not less than fourteen (14) days shall constitute an acceptance of the rental agreement with the same effect as if it had been signed by the lessee.

(2) The rental agreement shall contain a conspicuous statement advising the lessee:

- (a) Of the existence of the operator's lien;
- (b) That the property in the leased space may be sold to satisfy the lien if the lessee is in default;
- (c) That the personal property stored in a leased space will not be insured unless the lessee obtains insurance on his property;
- (d) Of the amount of any late fee and the conditions for imposing the fee; and
- (e) That all notices and correspondence may be sent as provided for in the rental agreement.

(3) In the absence of a notice provision in the rental agreement, notices to the lessee pursuant to section 55-2306, Idaho Code, shall be sent by certified mail. The absence of a notice provision in the rental agreement does not affect the validity of the rental agreement or the operator's lien.

(4) The rental agreement shall contain a provision requiring the lessee to disclose any lienholders or secured parties who have an interest in property that is stored in the leased space.

(5) If the rental agreement specifies a limit on the value of personal property that the lessee may store in the leased space, the limit must be deemed to be the maximum value of the personal property in the leased space and the maximum liability on the part of the operator to the lessee for any loss of or damage to the personal property. Nothing in this section shall be deemed to create any liability on the part of the operator to the lessee for any loss of or damage to the lessee's personal property, regardless of cause.

(6) All notices sent as provided for in the rental agreement or by certified mail shall be constructive and conclusive notice under the rental agreement and this chapter.

(7) A reasonable late fee may be imposed and collected by an operator for each period that a lessee does not pay rent, fees, or other charges when due under the rental agreement, if the amount of the late fee and the conditions for imposing the fee are stated in the rental agreement. A late fee of twenty dollars (\$20.00) or twenty percent (20%) of the monthly rent, whichever is greater, is a reasonable fee and will not be considered a penalty.

(8) Nothing in this chapter shall be construed in any manner as impairing or affecting the right of parties to create additional rights, duties, and obligations in and by virtue of a rental agreement. In addition to the rights and remedies set forth in this chapter, the operator has the same rights and remedies available to a creditor or landlord under Idaho law.

SECTION 3. That Section 55-2306, Idaho Code, be, and the same is hereby amended to read as follows:

55-2306. ENFORCEMENT OF LIEN. (1) A sale of personal property to enforce a lienholder's claim that has become due against a lessee and that is secured by the operator's lien may be conducted after the lessee has been in default continuously for a period of sixty (60) days.

(2) The operator shall send notice by certified mail or as provided for in the rental agreement to the lessee at his last known address and by mail to all persons disclosed by the lessee as claiming a security interest in the stored property. The notice shall include:

- (a) The name, address and telephone number of the person claiming the lien;
- (b) An itemized statement of the lienholder's claim showing the sum due at the time of the notice and the date when the sum became due;
- (c) A demand for payment within a time specified, not less than ten (10) days after sending of the notice;
- (d) A statement that unless the claim is paid within the time stated in the notice, the personal property shall be advertised for sale and sold at a specified time and place, but not sooner than ten (10) days after the first publication;
- (e) A brief and general description of the goods subject to the lien; and
- (f) Notification that the operator has denied or may deny access by the lessee to his personal property until the lien has been satisfied.

(3) Upon expiration of the time specified in subsection (2) (c) of this section, an advertisement of the sale shall be published once in a newspaper of general circulation in the county where the self-service storage facility is located. The advertisement shall include:

- (a) The location, date, time, and manner of the sale of the property stored in the leased space at the self-service storage facility;
- (b) A brief and general description of the personal property; and
- (c) The name and last known address of the lessee.

(4) At any time before the advertised sale of the personal property has been conducted or the vehicle or trailer has been towed, the lessee or any other person may pay the amount necessary to satisfy the lien, including all documented and verifiable labor and expenses incurred in enforcing the lien, and be permitted to remove the personal property, vehicle, or trailer from the leased space.

(5) In the event of a sale, the operator shall:

- (a) Ensure that the sale is conducted in conformance with the terms of the published notice;
- (b) Identify the specific properties and disclose the names and addresses provided by the lessee of persons claiming a security interest in the specified properties; and
- (c) Comply with the provisions of chapter 17, title 49, Idaho Code, when foreclosing on titled vehicles.

(6) The proceeds of the sale must be applied to the discharge of the lien and costs. The remainder, if any, shall be paid over to the lessee or any other person authorized in writing by the lessee to claim the balance.

(7) The operator may dispose of the personal property without liability to any person if the:

- (a) The operator has complied with the provisions of subsections (1) through (5) of this section, and the personal property has not been purchased;
- (b) The lessee fails to remove the personal property from the leased space after the end of the rental agreement and the rental agreement advises the lessee that any property remaining after the rental agreement has ended will be disposed of in the operator's discretion; or
- (c) When disposing of titled vehicles, the operator complies with either the provisions of chapter 17, title 49, Idaho Code, or section 55-2308, Idaho Code.

(8) The operator may conduct the lien sale without obtaining an auctioneer's license and may offer the personal property for sale as a unit or in parcels on a publicly accessible website that regularly offers personal

property for auction or sale, at the self-service storage facility, or at another location determined by the operator.

(9) A purchaser in good faith of any personal property sold pursuant to this section to satisfy the lien shall take the property free and clear of any rights of persons against whom the lien was valid, even if the operator has not complied with the provisions of this chapter or the rental agreement.

SECTION 4. That Section 55-2308, Idaho Code, be, and the same is hereby amended to read as follows:

55-2308. LESSEE IN DEFAULT -- VEHICLE OR TRAILER REMOVAL. (1) If a lessee is in default of the rental agreement for sixty (60) days or more and the personal property stored in the leased space is a vehicle or trailer, the operator may have the vehicle or trailer towed from the self-service storage facility by an independent towing company. Prior to having the vehicle or trailer towed, the operator shall send notice to the lessee as provided for in the rental agreement or by certified mail to the last known address stating:

(a) ~~A demand for payment within a time specified,~~ That the lessee must cure the specified default no less than ten (10) days after sending of the notice;

(b) ~~That unless the claim is paid default is cured~~ within the time stated in the notice, the vehicle or trailer may be towed; and

(c) The name, address, and telephone number of the towing company.

(2) The operator shall send a copy of the notice by United States mail with certificate of mailing to any lienholder of the vehicle or trailer that is listed in the rental agreement, no less than ten (10) days prior to having the vehicle or trailer towed.

(3) The operator has no liability to any person regarding the vehicle or trailer once the towing company takes possession of the vehicle or trailer.

(4) Should the operator choose to proceed with a lien sale of a vehicle, the operator must comply with the provisions of chapter 17, title 49, Idaho Code. The towing company that tows the vehicle must comply with the provisions of either chapter 17 or 18, title 49, Idaho Code, as applicable, prior to conducting a sale of the vehicle.

SECTION 5. That Section 55-2309, Idaho Code, be, and the same is hereby amended to read as follows:

55-2309. ACCESS RESTRICTION. The operator has the right to deny the lessee access to the leased space by overlocking or other means if:

(1) The rent or other charges due from the lessee are delinquent and unpaid;

(2) The leased space is being used for residential or other unlawful purposes; or

(3) The lessee fails to vacate the leased space after the rental agreement is terminated or not renewed in accordance with its terms.

SECTION 6. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved April 1, 2024

CHAPTER 245
(H.B. No. 725)

AN ACT

RELATING TO STATE COMMISSIONER SALARIES; AMENDING SECTION 61-215, IDAHO CODE, TO REVISE A PROVISION REGARDING THE SALARY OF PUBLIC UTILITIES COMMISSIONERS; AMENDING SECTION 63-102, IDAHO CODE, TO REVISE A PROVISION REGARDING THE SALARY OF TAX COMMISSIONERS; AMENDING SECTION 72-503, IDAHO CODE, TO REVISE A PROVISION REGARDING THE SALARY OF INDUSTRIAL COMMISSIONERS; APPROPRIATING ADDITIONAL MONEYS TO THE PUBLIC UTILITIES COMMISSION FOR FISCAL YEAR 2025; APPROPRIATING ADDITIONAL MONEYS TO THE INDUSTRIAL COMMISSION FOR FISCAL YEAR 2025; APPROPRIATING ADDITIONAL MONEYS TO THE STATE TAX COMMISSION FOR FISCAL YEAR 2025; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 61-215, Idaho Code, be, and the same is hereby amended to read as follows:

61-215. SALARIES OF PUBLIC UTILITIES COMMISSIONERS. Each member of the public utilities commission shall devote full time to the performance of his/her duties. Commencing on July 1, 2023 2024, the annual salary of members of the public utilities commission shall be ~~one hundred twenty-two thousand seven hundred forty-two dollars (\$122,742)~~ one hundred twenty six thousand four hundred twenty-four dollars (\$126,424) and shall be paid from sources set by the legislature.

SECTION 2. That Section 63-102, Idaho Code, be, and the same is hereby amended to read as follows:

63-102. ORGANIZATION -- CHAIRMAN -- COMPENSATION -- QUORUM -- HEARINGS. (1) A member of the state tax commission shall be appointed by the governor, to serve at his pleasure, as chairman. Each member of the state tax commission shall devote full time to the performance of duties. Commencing on July 1, 2023 2024, the annual salary for members of the state tax commission shall be ~~one hundred thirteen thousand nine hundred seventy-seven dollars (\$113,977)~~ one hundred seventeen thousand three hundred ninety-six dollars (\$117,396).

(2) A majority of the state tax commission shall constitute a quorum for the transaction of business. The state tax commission may delegate to any member of the commission or to its employees the power to make investigations and hold hearings at any place it may deem proper and such other matters as will facilitate the operations of the commission.

(3) The chairman of the state tax commission shall delegate to each commissioner the responsibility for policy management and oversight of one (1) or more of the taxes collected and activities supervised or administered by the commission. The state tax commission shall perform the duties imposed upon it by law and shall adopt all rules by majority decision. In any case in which the state tax commission sits as an appellate body upon an appeal from a tax decision from one (1) of the various administrative units subject to its supervision, the state tax commissioner charged with responsibility for policy management and oversight of the tax in controversy shall not vote upon the appeal but may advise the remaining members of the commission on the technical aspects of the problems before them.

(4) The chairman shall be the chief executive officer and administrative head of the state tax commission and shall be responsible for and, with the advice and consent of the state tax commission, may assign responsibility for all personnel, budgetary and/or fiscal matters of the state tax commission. Delegations of authority involving personnel, budgetary and/or fiscal matters shall be reviewed by request, and sustained by an affirmative vote, of the majority of the state tax commission.

SECTION 3. That Section 72-503, Idaho Code, be, and the same is hereby amended to read as follows:

72-503. SALARY. Commencing July 1, 2023 2024, the annual salary of each member of the industrial commission shall be ~~one hundred nineteen thousand five hundred forty dollars (\$119,540)~~ one hundred twenty-three thousand one hundred twenty-six dollars (\$123,126). Industrial commissioner salaries shall be paid from sources set by the legislature. Each member of the industrial commission shall devote full time to the performance of his duties.

SECTION 4. In addition to any other appropriation provided by law, there is hereby appropriated to the Public Utilities Commission \$13,500 to be expended for personnel costs from the Public Utilities Commission Fund for the period July 1, 2024, through June 30, 2025, for the purpose of commissioner salaries.

SECTION 5. In addition to any other appropriation provided by law, there is hereby appropriated to the Industrial Commission \$13,100 to be expended for personnel costs from the Industrial Administration Fund for the period July 1, 2024, through June 30, 2025, for the purpose of commissioner salaries.

SECTION 6. In addition to any other appropriation provided by law, there is hereby appropriated to the State Tax Commission in the General Services Program the following amounts to be expended for personnel costs from the listed funds for the period July 1, 2024, through June 30, 2025, for the purpose of commissioner salaries:

FROM:

General

Fund \$13,700

Multistate Tax Compact

Fund 1,200

Administration Services for Transportation

Fund 1,700

TOTAL \$16,600

SECTION 7. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved April 1, 2024

CHAPTER 246
(H.B. No. 731)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF AGRICULTURE; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF AGRICULTURE FOR FISCAL YEAR 2025; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE DEPREDATION OF LIVESTOCK AND PREVENTION FUND; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the Department of Agriculture the following amounts to the Animal Industries Program to be expended according to the listed expense classes from the Depredation of Livestock and Prevention Fund for the period July 1, 2024, through June 30, 2025:

FOR:

Operating Expenditures	\$75,000
Trustee and Benefit Payments	<u>150,000</u>
TOTAL	\$225,000

SECTION 2. CASH TRANSFER. There is hereby appropriated to the Department of Agriculture and the Office of the State Controller shall transfer \$225,000 from the General Fund to the Depredation of Livestock and Prevention Fund on July 1, 2024, or as soon thereafter as practicable for the period July 1, 2024, through June 30, 2025, to provide for the compensation for depredation of livestock by grizzly bear and wolves.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved April 1, 2024

CHAPTER 247
(H.B. No. 596, As Amended in the Senate)

AN ACT

RELATING TO PHARMACY BENEFIT MANAGERS; AMENDING SECTION 41-349, IDAHO CODE, TO DEFINE TERMS, TO PROVIDE A LIMIT ON CHARGES FOR HEALTH PLANS OR PROGRAMS AND TO PROVIDE EXCEPTIONS, TO REQUIRE REPORTING, TO ESTABLISH PROVISIONS REGARDING PRICING MODELS, TO ESTABLISH PROVISIONS REGARDING NETWORK PARTICIPATION, TO ESTABLISH PROVISIONS REGARDING ACCREDITATION STANDARDS, TO ESTABLISH PROVISIONS REGARDING CONTINUITY OF CARE FOR REVISIONS TO A FORMULARY, TO ESTABLISH PROVISIONS REGARDING ADMINISTRATIVE APPEALS, TO PROHIBIT CERTAIN ACTIONS OF A PHARMACY BENEFIT MANAGER, AND TO MAKE TECHNICAL CORRECTIONS; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 41-349, Idaho Code, be, and the same is hereby amended to read as follows:

41-349. PHARMACY BENEFIT MANAGERS. (1) As used in this section:

(a) "Brand name or generic effective rate" means the contractual rate set forth by a pharmacy benefit manager for the reimbursement of covered brand name or generic drugs, calculated using the total payments in the aggregate, by drug type, during the performance period. The effective rates are typically calculated as a discount from industry benchmarks, such as average wholesale price or wholesale acquisition cost.

(b) "Dispensing fee" means a fee intended to cover reasonable costs associated with providing a drug to a covered person. This cost includes but is not limited to the pharmacist's services and the overhead associated with maintaining the facility and equipment necessary to operate the pharmacy.

(c) "Effective rate guarantee" means the minimum ingredient cost reimbursement a pharmacy benefit manager guarantees it will pay for pharmacist services during the applicable measurement period.

~~(a)~~ (d) "Maximum allowable cost" means the maximum amount that a pharmacy benefit manager will reimburse a pharmacy for the cost of a generic drug.

(e) "Maximum allowable cost appeal pricing adjustment" means a retrospective positive payment adjustment made to a pharmacy by the pharmacy benefits plan or program or by the pharmacy benefit manager pursuant to an approved maximum allowable cost appeal request submitted by the same pharmacy to dispute the amount reimbursed for a drug based on the pharmacy benefit manager's listed maximum allowable cost price.

(f) "Participation contract" means any agreement between a pharmacy benefit manager and pharmacy for the provision and reimbursement of pharmacist services and any exhibits, attachments, amendments, or addendums to such agreement.

(g) "Pass-through pricing model" means a payment model used by a pharmacy benefit manager in which the payments made by the pharmacy benefits plan or program to the pharmacy benefit manager for the covered outpatient drugs are:

(i) Equivalent to the payments the pharmacy benefit manager makes to a dispensing pharmacy or provider for such drugs, including any contracted professional dispensing fee between the pharmacy benefit manager and its network of pharmacies. Such dispensing fee would be paid if the pharmacy benefits plan or program was making the payments directly; and

(ii) Passed through in their entirety by the pharmacy benefits plan or program or by the pharmacy benefit manager to the pharmacy or provider that dispenses the drugs, and the payments are made in a manner that is not offset by any reconciliation.

~~(b)~~ (h) "Pharmacy benefit manager" means a person or entity doing business in this state that contracts with pharmacies on behalf of an insurer, third-party administrator, or managed care organization to administer prescription drug benefits to residents of this state.

(i) "Spread pricing" means the practice in which a pharmacy benefit manager charges a pharmacy benefits plan or program a different amount for pharmacist services than the amount the pharmacy benefit manager reimburses a pharmacy for such pharmacist services.

(j) "Usual and customary price" means the amount charged to cash customers for a pharmacist service exclusive of sales tax or other amounts claimed.

(2) A person may not perform, offer to perform, or advertise any pharmacy benefit management service in this state unless the person is registered as a pharmacy benefit manager with the department of insurance. A person may not utilize the services of another person as a pharmacy benefit manager if the person knows or has reason to know that the other person does not have a registration with the department. Such registration must occur annu-

ally no later than April 1 of each year and shall be on a form prescribed by the director. The department may utilize applicable sections of this title to administer registration as provided in this subsection.

(3) A pharmacy benefit manager shall not prohibit a pharmacist or retail pharmacy from providing a covered person information on the amount of the cost share for a prescription drug and the clinical efficacy of a more affordable alternative drug if one is available, and a pharmacy benefit manager may not penalize a pharmacist or retail pharmacy for disclosing such information to a covered person or for selling to a covered person a more affordable alternative if one is available.

(4) A pharmacy benefit manager shall not directly or indirectly charge a pharmacy benefits plan or program a different amount for a prescription drug's ingredient cost or dispensing fee than the amount the pharmacy benefit manager reimburses a pharmacy for the prescription drug's ingredient cost or dispensing fee where the pharmacy benefit manager retains the amount of any such difference.

(5) The pharmacy benefit manager shall pass along or return one hundred percent (100%) of any manufacturer rebate to a pharmacy benefits plan or program, including any payment, discount, incentive, fee, price concession, or other remuneration.

(6) The pharmacy benefit manager shall provide full and complete disclosure of:

(a) The cost, price, and reimbursement of the prescription drug to each health plan, payer, and pharmacy with which the pharmacy benefit manager has a contract or agreement to provide pharmacy benefit management services;

(b) Each fee, markup, and discount charged or imposed by the pharmacy benefit manager to each health plan, payer, and pharmacy with which the pharmacy benefit manager has a contract or agreement for pharmacy benefit management services; or

(c) The aggregate amount of all remuneration the pharmacy benefit manager receives from a prescription drug manufacturer for a prescription drug, including any rebate, discount, administration fee, and any other payment or credit obtained or agreement for pharmacy benefit management services to a health plan or payer.

~~(4)~~ (7) A pharmacy benefit manager using maximum allowable cost pricing may place a drug on a maximum allowable cost list if the pharmacy benefit manager does the following:

(a) Ensures that the drug:

(i) 1. Is listed as "A" or "B" rated A-rated or B-rated in the most recent version of the United States food and drug administration's approved drug products with therapeutic equivalence evaluations, also known as the "orange book"; or

2. Has an "NR" or "NA" rating or a similar rating by a nationally recognized reference; and

(ii) Is available for purchase by pharmacies in the state from national or regional wholesalers and is not obsolete;

(b) Provides to a network pharmacy, at the time a contract is entered into or renewed with the network pharmacy, the sources used to determine the maximum allowable cost pricing for the maximum allowable cost list specific to that provider;

(c) Reviews and updates maximum allowable cost price information at least once every seven (7) business days to reflect any modification of maximum allowable cost pricing;

(d) Establishes a process for eliminating products from the maximum allowable cost list or modifying maximum allowable cost prices in a timely manner to remain consistent with pricing changes and product availability in the marketplace;

(e) Establishes a process by which a network pharmacy, or a network pharmacy's contracting agent, may appeal the reimbursement for a generic drug no later than thirty (30) days after such reimbursement is made; and

(f) Provides a process for each of its network pharmacies to readily access the maximum allowable cost list specific to that provider.

~~(5)~~ (8) No pharmacy benefit manager may retroactively deny or reduce a claim for reimbursement of the cost of services after the claim has been adjudicated by the pharmacy benefit manager unless:

(a) The adjudicated claim was submitted fraudulently or improperly; or

(b) The pharmacy benefit manager's payment on the adjudicated claim was incorrect because the pharmacy or pharmacist had already been paid for the services.

~~(6)~~ (9) If the director finds a pharmacy benefit manager has violated this section or any provision of title 41, Idaho Code, then the director may subject the pharmacy benefit manager to any or all of the actions, penalties, and remedies referenced in sections 41-117, 41-1016, and 41-1026, Idaho Code.

(10) (a) No later than January 1, 2025, and each year thereafter, each licensed pharmacy benefit manager shall report to the director of the department of insurance the following information:

(i) The aggregate amount of the difference between the amount the pharmacy benefit manager paid each pharmacy on behalf of the health plan for prescription drugs; and

(ii) If at any time during the reporting year the pharmacy benefit manager moved or reassigned a prescription drug to a formulary tier that has a higher cost, higher copayment, higher coinsurance, higher deductible to a consumer, or lower reimbursement to a pharmacy, an explanation of the reason why the drug was moved or reassigned, including whether the move or reassignment was determined or requested by a prescription drug manufacturer or other entity.

(b) Any pharmacy benefit manager that owns, controls, or is affiliated with a pharmacy shall also report any difference in reimbursement rates or practices, direct and indirect remuneration fees or other price concessions, and clawbacks between a pharmacy that is owned, controlled, or affiliated with the pharmacy benefit manager and any other pharmacy.

(11) In addition to any other requirements in this title, all contractual arrangements executed, amended, adjusted, or renewed between a pharmacy benefit manager and a pharmacy benefits plan or program must include, in substantial form, requirements, to the extent allowable by law, to:

(a) Use a pass-through pricing model;

(b) Exclude terms that allow for the direct or indirect engagement in the practice of spread pricing;

(c) Ensure that funds received in relation to providing services for a pharmacy benefits plan or program or a pharmacy are used or distributed only pursuant to the pharmacy benefit manager's contract with the pharmacy benefits plan or program or with the pharmacy or as otherwise required by applicable law;

(d) Require the pharmacy benefit manager to pass one hundred percent (100%) of all prescription drug manufacturer rebates, including nonresident prescription drug manufacturer rebates, received to the pharmacy benefits plan or program, if the contractual arrangement delegates the negotiation of rebates to the pharmacy benefit manager, for the sole purpose of offsetting defined cost-sharing and reducing premiums of covered persons. Rebates include any payment, discount, incentive, fee, price concession, or other remuneration. Any excess rebate revenue after the pharmacy benefit manager and the pharmacy benefits plan or program have taken all actions required pursuant to

this section must be used for the sole purpose of offsetting copayments and deductibles of covered persons;

(e) Include network adequacy requirements that meet or exceed medicare part D program standards for convenient access to the network pharmacies and that:

(i) Do not limit a network to solely include affiliated pharmacies;

(ii) Do not require a covered person to receive a prescription drug by United States mail, common carrier, local courier, third-party company or delivery service, or pharmacy direct delivery unless the prescription drug cannot be acquired at any retail pharmacy in the pharmacy benefit manager's network for the covered person's pharmacy benefits plan or program. The provisions of this subparagraph do not prohibit a pharmacy benefit manager from operating mail order or delivery programs on an opt-in basis at the sole discretion of a covered person, provided that the covered person is not penalized through the imposition of any additional retail cost-sharing obligations or a lower allowed-quantity limit for choosing not to select the mail order or delivery programs;

(iii) For the in-person administration of covered prescription drugs, prohibit requiring a covered person to receive pharmacist services from an affiliated pharmacy or an affiliated health care provider; and

(iv) Prohibit offering or implementing pharmacy networks that require or provide a promotional item or an incentive to a covered person to use an affiliated pharmacy or an affiliated health care provider for the in-person administration of covered prescription drugs or advertising, marketing, or promoting an affiliated pharmacy to covered persons. Provided, however, a pharmacy benefit manager may include an affiliated pharmacy in communications to covered persons regarding network pharmacies and prices as long as the pharmacy benefit manager includes information, such as links to all nonaffiliated network pharmacies, in such communications and that the information provided is accurate and of equal prominence. The provisions of this subparagraph may not be construed to prohibit a pharmacy benefit manager from entering into an agreement with an affiliated pharmacy to provide pharmacist services to covered persons;

(f) Prohibit a pharmacy benefit manager from conditioning participation in one (1) pharmacy network based on participation in any other pharmacy network or from penalizing a pharmacy for exercising its prerogative not to participate in a specific pharmacy network;

(g) Prohibit a pharmacy benefit manager from instituting a network that requires a pharmacy to meet accreditation standards inconsistent with or more stringent than applicable federal and state requirements for licensure and operation as a pharmacy in this state. However, a pharmacy benefit manager may specify additional specialty networks that require enhanced standards related to safety and competency necessary to meet the United States food and drug administration's limited distribution requirements for dispensing any drug that, on a drug-by-drug basis, requires extraordinary special handling, provider coordination, or clinical care or monitoring when such extraordinary requirements cannot be met by a retail pharmacy. For purposes of this paragraph, drugs requiring extraordinary special handling are limited to drugs that are subject to a risk evaluation and mitigation strategy approved by the United States food and drug administration and that:

(i) Require special certification of a health care provider to prescribe, receive, dispense, or administer; or

(ii) Require special handling due to the molecular complexity or cytotoxic properties of the biologic or biosimilar product or drug. For participation in a specialty network, a pharmacy benefit manager may not require a pharmacy to meet requirements for participation beyond those necessary to demonstrate the pharmacy's ability to dispense the drug in accordance with the United States food and drug administration's approved manufacturer labeling;

(h) At a minimum, require the pharmacy benefit manager or pharmacy benefits plan or program to, upon revising its formulary of covered prescription drugs during a plan year, provide a ninety (90) day continuity-of-care period in which the covered prescription drug that is being revised from the formulary continues to be provided at the same cost for the patient for a period of ninety (90) days. The ninety (90) day continuity-of-care period commences upon notification to the patient. This requirement does not apply if the covered prescription drug:

(i) Has been approved and made available over the counter by the United States food and drug administration and has entered the commercial market as such;

(ii) Has been removed or withdrawn from the commercial market by the manufacturer;

(iii) Is subject to an involuntary recall by state or federal authorities and is no longer available on the commercial market; or

(iv) Has a generic, biosimilar, or interchangeable biologic approved by the United States food and drug administration;

(i) Require that in-network pharmacies receive dispensing fees that reasonably cover the costs of dispensing medications; and

(j) Prohibit a pharmacy benefit manager from directly or indirectly charging or holding a pharmacist or pharmacy responsible for a fee for any step of or component or mechanism related to the claim adjudication process, including:

(i) The adjudication of a pharmacy benefit claim;

(ii) The processing or transmission of a pharmacy benefit claim;

(iii) The development or management of a claim processing or adjudication network; or

(iv) Participation in a claim processing or adjudication network.

(12) The requirements of subsection (11) of this section shall not apply to specialty drugs. For the purposes of this section, "specialty drug" means:

(a) A drug that is subject to restricted distribution by the United States food and drug administration; or

(b) A drug that requires special handling, provider coordination, or patient education that a retail pharmacy cannot provide.

(13) In addition to other requirements in this title, a participation contract executed, amended, adjusted, or renewed between a pharmacy benefit manager and one (1) or more pharmacies or pharmacists must include, in substantial form, to the extent allowable by law, terms that ensure compliance with the provisions of this subsection.

(a) The pharmacy benefit manager shall provide a reasonable administrative appeal procedure to allow a pharmacy or pharmacist to challenge the maximum allowable cost pricing information and the reimbursement made under the maximum allowable cost as defined in subsection (1) (d) of this section for a specific drug as being below the acquisition cost available to the challenging pharmacy or pharmacist.

(b) The administrative appeal procedure must include a telephone number and email address, or a website, for the purpose of submitting the administrative appeal. The appeal may be submitted by the pharmacy or an agent of the pharmacy directly to the pharmacy benefit manager or through a pharmacy service administration organization. The pharmacy

or pharmacist must be given at least thirty (30) business days after a maximum allowable cost update or after an adjudication for an electronic claim or reimbursement for a nonelectronic claim to file the administrative appeal.

(c) The pharmacy benefit manager must respond to the administrative appeal within thirty (30) business days after receipt of the appeal.

(i) If the appeal is upheld, the pharmacy benefit manager must:

1. Update the maximum allowable cost pricing information to at least the acquisition cost available to the pharmacy;
2. Permit the pharmacy or pharmacist to reverse and rebill the claim in question;
3. Provide to the pharmacy or pharmacist the national drug code on which the increase or change is based; and
4. Make the increase or change effective for each similarly situated pharmacy or pharmacist who is subject to the applicable maximum allowable cost pricing information; or

(ii) If the appeal is denied, the pharmacy benefit manager must provide to the pharmacy or pharmacist the national drug code and the name of the national or regional pharmaceutical wholesalers operating in this state that have the drug currently in stock at a price below the maximum allowable cost pricing information.

(d) Every ninety (90) days, a pharmacy benefit manager shall report to the department the total number of appeals received and denied in the preceding ninety (90) day period, with an explanation or reason for each denial, for each specific drug for which an appeal was submitted pursuant to this subsection.

(14) In addition to other prohibitions in this section, a pharmacy benefit manager may not do any of the following:

(a) Prohibit, restrict, or penalize in any way a pharmacy or pharmacist from disclosing to any person any information that the pharmacy or pharmacist deems appropriate, including but not limited to information regarding any of the following:

- (i) The nature of treatment, risks, or alternatives thereto;
- (ii) The availability of alternate treatment, consultations, or tests;
- (iii) The decision of utilization reviewers or similar persons to authorize or deny pharmacist services;
- (iv) The process used to authorize or deny pharmacist services or benefits;
- (v) Information on financial incentives and structures used by the pharmacy benefits plan or program;
- (vi) Information that may reduce the costs of pharmacist services;
- (vii) Whether the cost-sharing obligation exceeds the retail price for a covered prescription drug and the availability of a more affordable alternative drug;
- (viii) A decision by the pharmacy to refuse to accept pharmacy benefit manager payment for the dispensing of an individual prescription on the basis of an aggregate pharmacy benefit manager payment of less than the pharmacy's costs to provide the service; or
- (ix) The financial details of a prescription claim;

(b) Prohibit, restrict, or penalize in any way a pharmacy or pharmacist from disclosing information to the department, law enforcement, or state and federal governmental officials, provided that the recipient of the information represents that it has the authority, to the extent provided by state or federal law, to maintain proprietary information as confidential and before disclosure of information designated as confidential, the pharmacist or pharmacy marks as confidential any docu-

ment in which the information appears or requests confidential treatment for any oral communication of the information;

(c) Communicate at the point-of-sale, or otherwise require, a cost-sharing obligation for the covered person in an amount that exceeds the lesser of:

(i) The applicable cost-sharing amount under the applicable pharmacy benefits plan or program; or

(ii) The amount that will be retained by the pharmacy;

(d) Transfer or share records relative to prescription information containing patient-identifiable or prescriber-identifiable data to an affiliated pharmacy for any commercial purpose other than the limited purposes of facilitating pharmacy reimbursement, formulary compliance, or utilization review on behalf of the applicable pharmacy benefits plan or program;

(e) Fail to make any payment due to a pharmacy for an adjudicated claim with a date of service before the effective date of a pharmacy's termination from a pharmacy benefit network, unless payments are withheld because of fraud, waste, or abuse on the part of the pharmacy or except as otherwise required by law; or

(f) Terminate the contract of, penalize, or disadvantage a pharmacist or pharmacy solely due to a pharmacist or pharmacy:

(i) Disclosing information about pharmacy benefit manager practices in accordance with this section;

(ii) Exercising any of its prerogatives pursuant to this section;
or

(iii) Sharing any portion, or all, of the pharmacy benefit manager contract with the department of insurance pursuant to a complaint or a query regarding whether the contract is in compliance with the provisions of this section.

(15) In complying with the requirements of this section, a pharmacy benefit manager or its agents, and the director or the director's agents, shall not directly or indirectly publish or otherwise disclose any information reported to the director under this section that would reveal: the identity of a specific pharmacy benefits plan, program, or pharmaceutical manufacturer; the prices charged for a specific drug or class of drugs; the amount of any rebates provided for a specific drug or class of drugs or the pharmaceutical manufacturer; or information that would otherwise have the potential to compromise the financial, competitive, or proprietary nature of such information. Any such information shall be protected from disclosure as confidential and proprietary and shall not be regarded as a public record pursuant to section 74-101, Idaho Code. A pharmacy benefit manager shall impose the confidentiality protections and requirements of this section on any agent or downstream third party that performs health care or administrative services on behalf of the pharmacy benefit manager that may receive or have access to such information, and the director shall impose the confidentiality protections and requirements of this section on any agent or downstream third party directly or indirectly involved in the administration of this section that may receive or have access to such information.

SECTION 2. This act shall be in full force and effect on and after January 1, 2025.

Approved April 1, 2024

CHAPTER 248
(S.B. No. 1328, As Amended)

AN ACT

RELATING TO RUNAWAY CHILDREN; AMENDING SECTION 18-1510, IDAHO CODE, TO PROVIDE AN EXEMPTION FOR CERTAIN VIOLATIONS FOR LICENSED CHILDREN'S RESIDENTIAL CARE FACILITIES, REGISTERED CHILDREN'S INSTITUTIONS, AND BEHAVIORAL HEALTH YOUTH CRISIS CENTERS PROVIDING EMERGENCY RUNAWAY SERVICES AND TO DEFINE TERMS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 18-1510, Idaho Code, be, and the same is hereby amended to read as follows:

18-1510. PROVIDING SHELTER TO RUNAWAY CHILDREN. (1) A person who knowingly or intentionally provides housing or other accommodations to a child seventeen (17) years of age or younger without the authority of: (a) the custodial parent or guardian of the child; (b) the state of Idaho or a political subdivision thereof; or (c) the one having legal custody of the child shall be guilty of a misdemeanor. Nothing contained in this section shall be construed to prevent the lawful detention of a minor child or the rendering of emergency aid or assistance to a minor child. It shall be an affirmative defense to the provisions of this section that the person providing housing or other accommodations to the child has notified the custodial parent or guardian or the county sheriff or city police of the child's whereabouts. It shall also be an affirmative defense to the provisions of this section that the person providing housing or other accommodations to the child notices reasonable evidence that the child has been abused by the custodial parent or guardian.

(2) (a) Licensed children's residential care facilities, registered children's institutions, and behavioral health youth crisis centers providing emergency runaway services are not guilty of a violation of this section if:

(i) The child is a runaway who consents to shelter, care, or licensed service;

(ii) The facility attempts to contact and is unable to locate the child's parent or legal guardian or the child refuses to disclose the contact information of the child's parent or legal guardian; and

(iii) The facility has notified the county sheriff or police of the child's whereabouts pursuant to local laws and licensure requirements.

(b) Licensed children's residential care facilities, registered children's institutions, and behavioral health youth crisis centers are still required to comply with reporting requirements pursuant to section 16-1605, Idaho Code.

(c) As used in this subsection:

(i) "Behavioral health youth crisis center" means a voluntary outpatient facility operated twenty-four (24) hours a day, seven (7) days a week, and three hundred sixty-five (365) days a year to provide evaluation, intervention, and referral for youth seventeen (17) years of age or younger who are experiencing a crisis due to a behavioral health condition. The facility may not provide services to a youth client for more than twenty-three (23) hours and fifty-nine (59) minutes in a single episode of care.

(ii) "Licensed children's residential care facility" has the same meaning as in section 39-1202, Idaho Code.

(iii) "Registered children's institution" has the same meaning as in section 39-1202, Idaho Code.

~~(2)~~ (3) A person convicted of a violation of the provisions of this section shall be punished by imprisonment for a period not in excess of six (6) months, a fine not in excess of five thousand dollars (\$5,000) or by both such fine and imprisonment. Additionally, any real property utilized in violation of the provisions of this section may be declared a public nuisance pursuant to chapter 1, title 52, Idaho Code.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved April 1, 2024

CHAPTER 249
(S.B. No. 1350)

AN ACT

RELATING TO THE JUVENILE CORRECTIONS ACT; AMENDING SECTION 20-520, IDAHO CODE, TO PROVIDE FOR REQUIREMENTS REGARDING REPORTING; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 20-520, Idaho Code, be, and the same is hereby amended to read as follows:

20-520. SENTENCING. (1) Upon the entry of an order finding the juvenile offender is within the purview of the act, the court shall then hold a sentencing hearing in the manner prescribed by the Idaho juvenile rules to determine the sentence that will promote accountability, competency development and community protection. Prior to the entry of an order disposing of the case, other than an order of discharge or dismissal, the court may request and, if requested, shall receive a report containing the results of an inquiry into the home environment, past history, competency development, prevention or out-of-home placement services provided, and the social, physical and mental condition of the juvenile offender. The report shall be compiled using tools that screen for human trafficking, risks and needs of the juvenile offender, and any trauma suffered by the juvenile offender and shall include any additional screening deemed appropriate. The court shall not consider or review the report prior to the entry of an order of adjudication. Upon presentation and consideration of the report by the court, the court may proceed to sentence the juvenile offender as follows:

(a) Place the juvenile offender on an informal adjustment of the petition for a period not to exceed three (3) years from the date of the order.

(i) Informal adjustments may be ordered for any case filed under this chapter, upon such terms and conditions as the court may deem just and appropriate under the circumstances, and not be limited by the nature of the charge. Informal adjustments may include but are not limited to:

1. Reprimand of the juvenile offender;
2. Supervision with the probation department;
3. Community service work; and
4. Restitution to the victim.

(ii) The court shall dismiss the case if:

1. An informal adjustment has been granted and the juvenile offender has satisfied the terms or conditions of the informal adjustment;
2. The court is convinced by the showing made that there is no longer cause for continuing the period of informal adjustment; and
3. It is compatible with the public interest.

(iii) If the court, after hearing and notice, finds that a juvenile has violated the informal adjustment, the court may impose any sentence available to the court pursuant to this chapter.

(b) Place the juvenile offender on formal probation for a period not to exceed three (3) years from the date of the order, except the court may place a juvenile offender on formal probation for a period not to exceed the juvenile offender's twenty-first birthday if the court finds that the juvenile offender has committed a crime of a sexual nature. If a juvenile offender is committed to the Idaho department of juvenile corrections pursuant to paragraph (t) of this subsection, the court may place the juvenile offender on probation from the date of sentencing up to three (3) years past the date of release from custody or the juvenile offender's twenty-first birthday, whichever occurs first; provided the court shall conduct a review hearing within thirty (30) days following release of the juvenile offender from the department of juvenile corrections in order to determine the conditions and term of such probation;

(c) Sentence the juvenile offender to detention pursuant to this act for a period not to exceed thirty (30) days for each act, omission, or status that is prohibited by the federal, state, local, or municipal law or ordinance by reason of minority only. The sentence shall not be executed unless the act, omission, or status is in violation of 18 U.S.C. 922(x) or the court finds that the juvenile offender has violated the court's decree imposing the sentence as provided in this subsection. If the court, after notice and hearing, finds that a juvenile offender has violated the court's decree imposing the sentence under circumstances that bring the violation under the valid court order exception of the federal juvenile justice and delinquency prevention act of 1974, as amended, the court may commit the juvenile offender to detention for the period of detention previously imposed at sentencing;

(d) Commit the juvenile offender to a period of detention, pursuant to this act, for a period of time not to exceed ninety (90) days for each unlawful or criminal act the juvenile offender is found to have committed or if the unlawful or criminal act would be a misdemeanor if committed by an adult;

(e) If the juvenile offender has committed an unlawful or criminal act that would be a felony if committed by an adult, the court may commit the juvenile offender to detention for a period not to exceed one hundred eighty (180) days for each unlawful or criminal act;

(f) Whenever a court commits a juvenile offender to a period of detention, the juvenile detention center shall notify the school district where the detention center is located. No juvenile offender who is found to come within the purview of the act for the commission of a status offense shall be sentenced to detention in a jail facility;

(g) Commit the juvenile offender to detention and suspend the sentence on specific probationary conditions;

(h) The court may suspend or restrict the juvenile offender's driving privileges for such periods of time as the court deems necessary, and the court may take possession of the juvenile offender's driver's license. The juvenile offender may request restricted driving privileges during a period of suspension, which the court may allow if the juvenile offender shows by a preponderance of evidence that driving privileges are necessary for his employment or for family health needs;

(i) The court may order that the juvenile offender be examined or treated by a physician, surgeon, psychiatrist, or psychologist or that he receive other special care or that he submit to an alcohol or drug evaluation, if needed, and for such purposes may place the juvenile offender in a hospital or other suitable facility;

(j) The court may order that the county probation office authorize a comprehensive substance abuse assessment of the juvenile offender. After receiving the comprehensive substance abuse assessment, and upon a finding by the court that treatment will provide a cost-effective means of achieving the sentencing goals of accountability, competency development and community protection, the court may order that the juvenile offender receive immediate treatment for substance abuse in keeping with a plan of treatment approved by the court. The initial cost of the assessment and treatment shall be borne by the department of juvenile corrections with funds allocated to the county probation office. The director of the department of juvenile corrections may promulgate rules consistent with this paragraph to establish a schedule of fees to be charged to parents by the county probation office for such services based upon the cost of the services and the ability of parents to pay;

(k) In support of an order under the provisions of this section, the court may make an additional order setting forth reasonable conditions to be complied with by the parents, the juvenile offender, his legal guardian or custodian, or any other person who has been made a party to the proceedings, including, but not limited to, restrictions on visitation by the parents or one (1) parent, restrictions on the juvenile offender's associates, occupation and other activities, and requirements to be observed by the parents, guardian or custodian;

(l) The court may make any other reasonable order that is in the best interest of the juvenile offender or is required for the protection of the public, except that no person under the age of eighteen (18) years may be committed to jail, prison or a secure facility that does not meet the standards set forth in section 20-518, Idaho Code, unless jurisdiction over the individual is in the process of being waived or has been waived pursuant to section 20-508 or 20-509, Idaho Code. The court may combine several of the above-listed modes of disposition where they are compatible;

(m) An order under the provisions of this section for probation or placement of a juvenile offender with an individual or an agency may provide a schedule for review of the case by the court;

(n) Order the proceeding expanded or altered to include consideration of the cause pursuant to chapter 16, title 16, Idaho Code;

(o) Order the case and all documents and records connected therewith transferred to the magistrate division of the district court for the county where the juvenile offender and/or parents reside if different than the county where the juvenile offender was charged and found to have committed the unlawful or criminal act, for the entry of a dispositional order;

(p) Order such other terms, conditions, care or treatment as appear to the court will best serve the interests of the juvenile offender and the community;

(q) The court shall assess a twenty-dollar (\$20.00) detention/probation training academy fee against the juvenile offender for every petition filed where there has been an adjudication that the juvenile offender is within the purview of this chapter. All moneys raised pursuant to this paragraph shall be transmitted by the court for deposit in the juvenile corrections fund, which is created in section 20-542, Idaho Code;

(r) Additionally, the court shall assess a fee of sixty cents (60¢) per hour of community service against the juvenile offender for every petition filed where there has been an adjudication that the juvenile offender is within the purview of this chapter and the court is ordering community service. Such fee is to be remitted by the court to the state insurance fund for purposes of providing worker's compensation insurance for persons performing community service pursuant to this chapter. However, if a county is self-insured and provides worker's compensation insurance for persons performing community service pursuant to the provisions of this chapter, then remittance to the state insurance fund is not required;

(s) Additionally, the court may assess a monthly probation supervision fee that shall be an amount not more than the maximum monthly misdemeanor probation supervision fee set forth in section 31-3201D, Idaho Code, per month, or such lesser sum as determined by the administrative judge of the judicial district, against the juvenile offender placed on probation. The amount of the monthly probation supervision fee shall be paid to the clerk of the district court who shall deposit such fee into the county juvenile probation fund, which is hereby created, in each county or, at the option of the board of county commissioners, deposited in the county justice fund to be used for county juvenile probation services. Moneys from this fee may be accumulated from year to year and shall be expended exclusively for county juvenile probation services and related purposes;

(t) Commit the juvenile offender to the legal custody of the department of juvenile corrections for an indeterminate period of time, not to exceed the juvenile offender's nineteenth birthday, unless the custody review board determines that extended time in custody is necessary to address competency development, accountability, and community protection; provided however, that no juvenile offender shall remain in the custody of the department beyond the juvenile offender's twenty-first birthday. The department shall adopt rules implementing the custody review board and operations and procedures of such board. Juvenile offenders convicted as adults and placed in the dual custody of the department of juvenile corrections and the state board of correction under section 19-2601A, Idaho Code, are under the retained jurisdiction of the court and are not within the purview of the custody review board;

(u) Notwithstanding any other provision of this section, a court may not commit a juvenile offender under the age of ten (10) years to a period of detention or to the custody of the department of juvenile corrections for placement in secure confinement.

(2) When an order is entered pursuant to this section, the juvenile offender shall be transported to the facility or program so designated by the court or the department, as applicable, by the sheriff of the county where the juvenile offender resides or is committed, or by an appointed agent. When committing a juvenile offender to the department, or another entity, the court shall at once forward to the department or entity a certified copy of the order of commitment.

(3) Unless the court determines that an order of restitution would be inappropriate or undesirable, it shall order the juvenile offender or his parents or both to pay restitution to or make whole any victim who suffers an economic loss as a result of the juvenile offender's conduct in accordance

with the standards and requirements of sections 19-5304 and 19-5305, Idaho Code. The amount of restitution that may be ordered by the court shall not be subject to the limitations of section 6-210, Idaho Code. Court-ordered restitution shall be paid prior to any other court-ordered payments unless the court specifically orders otherwise. The clerk of the district court, with the approval of the administrative district judge, may use the procedures set forth in section 19-4708, Idaho Code, for the collection of the restitution.

(4) The court may order the juvenile offender's parents or custodian to pay the charges imposed by community programs ordered by the court for the juvenile offender, or the juvenile offender's parents or custodian.

(5) Any parent, legal guardian or custodian violating any order of the court entered against the person under the provisions of this chapter shall be subject to contempt proceedings under the provisions of chapter 6, title 7, Idaho Code.

(6) The clerk of the district court, with the approval of the administrative district judge, may use the procedures set forth in section 19-4708, Idaho Code, for the collection of other debts owed to the court by the juvenile offender.

SECTION 2. This act shall be in full force and effect on and after January 1, 2025.

Approved April 1, 2024

CHAPTER 250
(S.B. No. 1277)

AN ACT

RELATING TO ADDRESS CONFIDENTIALITY FOR JUDICIAL OFFICERS; AMENDING SECTION 19-6001, IDAHO CODE, AS ENACTED BY SECTION 1, CHAPTER 179, LAWS OF 2023, TO REDESIGNATE THE SECTION, TO DEFINE A TERM, AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 19-6001, Idaho Code, as enacted by Section 1, Chapter 179, Laws of 2023, be, and the same is hereby amended to read as follows:

~~19-6001~~ 19-6201. DEFINITIONS. As used in this chapter:

(1) "Alternative Idaho mailing address" means the address of a judicial officer's chambers.

(2) "Application" means a written form prescribed and made available by the Idaho supreme court. Such application shall contain, at a minimum, all of the following:

(a) A sworn statement by the judicial officer's employing entity that the applicant is in fact a judicial officer as defined in subsection (4) of this section;

(b) A sworn statement by the judicial officer that names such officer's residing household members, if any, as defined in subsection (6) of this section;

(c) The alternative Idaho mailing address as defined in subsection (1) of this section, and the telephone number or numbers where the judicial officer and such officer's residing household members can be contacted by the public agency; and

(d) A sworn statement by the judicial officer that such officer knowingly and voluntarily designates his employing entity as agent for purposes of service of process and receipt of first class, certified, or registered mail.

(3) "Custodian" is as defined in section 74-101, Idaho Code.

(4) "Judicial officer" means a justice, judge, or magistrate judge with chambers in the state of Idaho.

(5) "Public agency" is as defined in section 74-101, Idaho Code.

(6) "Residing household member" means a judicial officer's spouse and any child or children who currently reside at the same residential street address as such officer.

(7) "Idaho residential street address" means the street address of the judicial officer's residence and includes a legal description of real estate that contains the location of such address.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved April 1, 2024

CHAPTER 251
(S.B. No. 1276)

AN ACT

RELATING TO PAYMENTS TO THE COURT; AMENDING SECTION 31-3221, IDAHO CODE, TO REVISE A PROVISION REGARDING AN ELECTRONIC PAYMENT CONVENIENCE FEE AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 31-3221, Idaho Code, be, and the same is hereby amended to read as follows:

31-3221. PAYMENTS TO COURT BY CREDIT CARD OR DEBIT CARD. (1) The clerk of the district court may accept payment of a debt owed to the court by a credit card or debit card. Any person making payment on a debt owed to the court by a credit card or debit card shall be assessed an electronic payment convenience fee established by the supreme court, which shall include, among other costs, the amount charged the court by the issuer for the use of the card. This fee may also be paid by credit card or debit card and included in the transaction for the payment of the debt owed to the court. The electronic payment convenience fee shall be separate from the debt owed to the court and ~~shall be deposited into the court technology fund created in section 1-1623, Idaho Code,~~ and shall be used for the implementation of the provisions of this section. The debt owed to the court shall not be expunged, canceled, released, discharged or satisfied and any receipt or other evidence of payment shall be deemed conditional until the court has received final and unconditional payment of the full amount due from the financing agency or card issuer for the transaction. If an electronic payment once made is subsequently denied, revoked or otherwise canceled for any reason, and the payment is withdrawn from the court, the court may proceed as though payment had never been made.

(2) Definitions. As used in this section:

(a) "Cardholder" means the person or organization named on the face of a credit card or debit card to whom or for whose benefit the credit card or debit card is issued by an issuer.

(b) "Credit card" means any instrument or device, whether known as a credit card or credit plate or by any other name, issued with or without a fee by an issuer for the use of the cardholder in obtaining money, property, goods, services or anything else of value on credit.

(c) "Debit card" means any instrument or device, whether known as a debit card or by any other name, issued with or without a fee by an issuer for the use of the cardholder in depositing, obtaining or transferring funds.

(d) "Debt owed to the court" means any assessment of fines, court costs, surcharges, penalties, fees, restitution, cash deposit of bail, moneys expended in providing counsel and other defense services to indigent defendants, or other charges which that a court judgment has ordered to be paid to the court or which that a party has agreed to pay in criminal or civil cases and includes any interest or penalty on such unpaid amounts as provided for in the judgment or by law.

(e) "Issuer" means a business organization, financial institution or authorized agent of a business organization or financial institution that issues a credit card or debit card.

(3) The supreme court may adopt rules as deemed appropriate for the administration of this section and may enter into contracts with an issuer or other organization to implement the provisions of this section.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved April 1, 2024

CHAPTER 252
(S.B. No. 1278)

AN ACT

RELATING TO MOTOR VEHICLES; AMENDING SECTION 18-8005, IDAHO CODE, TO REVISE A PROVISION REGARDING AN IGNITION INTERLOCK SYSTEM AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 18-8005, Idaho Code, be, and the same is hereby amended to read as follows:

18-8005. PENALTIES. (1) Any person who pleads guilty to or is found guilty of a violation of the provisions of section 18-8004(1)(a), Idaho Code, for the first time is guilty of a misdemeanor; and, except as provided in section 18-8004C, Idaho Code:

- (a) May be sentenced to jail for a term not to exceed six (6) months;
- (b) May be fined an amount not to exceed one thousand dollars (\$1,000);
- (c) Shall be advised by the court in writing at the time of sentencing of the penalties that will be imposed for subsequent violations of the provisions of section 18-8004, Idaho Code, which advice shall be signed by the defendant, and a copy retained by the court and another copy retained by the prosecuting attorney;

(d) Shall have his driving privileges suspended by the court for a period of thirty (30) days, which shall not be reduced and during which thirty (30) day period absolutely no driving privileges of any kind may be granted. After the thirty (30) day period of absolute suspension of driving privileges has passed, the defendant shall have driving privileges suspended by the court for an additional period of at least sixty (60) days, not to exceed one hundred fifty (150) days, during which the defendant may request restricted driving privileges that the court may allow, if the defendant shows by a preponderance of the evidence that driving privileges are necessary for his employment or for family health needs; and

(e) Unless an exception is granted pursuant to section 18-8002(12), Idaho Code, shall within ten (10) days following the end of the ~~mandatory suspension period of absolute suspension~~ have a state-approved ignition interlock system meeting the requirements of section 18-8008, Idaho Code, installed, at his expense, on all motor vehicles operated by him for a period to end one (1) year following the end of the suspension period. A court may determine that an offender is eligible to utilize available funds from the court interlock device and electronic monitoring device fund, as outlined in section 18-8010, Idaho Code, for the installation and operation of an ignition interlock device, based on evidence of financial hardship.

(2) Any person who pleads guilty to or is found guilty of a violation of the provisions of section 18-8004(1) (b), Idaho Code, for the first time is guilty of a misdemeanor and subject to:

(a) The provisions of subsection (1) (a), (b), (c) and (e) of this section; and

(b) The provisions of section 49-335, Idaho Code.

(3) Any person who pleads guilty to or is found guilty of a violation of the provisions of section 18-8004(1) (c), Idaho Code, for the first time is guilty of a misdemeanor and is subject to:

(a) The provisions of subsection (1) (a), (b), (c) and (e) of this section; and

(b) The provisions of section 49-335, Idaho Code.

(4) Any person who pleads guilty to or is found guilty of a violation of the provisions of section 18-8004(1) (a), (b) or (c), Idaho Code, who previously has been found guilty of or has pled guilty to a violation of the provisions of section 18-8004(1) (a), (b) or (c), Idaho Code, or any substantially conforming foreign criminal violation within ten (10) years, notwithstanding the form of the judgment(s) or withheld judgment(s), and except as provided in section 18-8004C, Idaho Code, is guilty of a misdemeanor; and, except as provided in section 18-8004C, Idaho Code:

(a) Shall be sentenced to jail for a mandatory minimum period of ~~not~~ no less than ten (10) days, the first forty-eight (48) hours of which must be consecutive, and five (5) days of which must be served in jail, as required by 23 U.S.C. 164, and may be sentenced to ~~not~~ no more than one (1) year, provided however, that in the discretion of the sentencing judge, the judge may authorize the defendant to be assigned to a work detail program within the custody of the county sheriff during the period of incarceration;

(b) May be fined an amount not to exceed two thousand dollars (\$2,000);

(c) Shall be advised by the court in writing at the time of sentencing of the penalties that will be imposed for subsequent violations of the provisions of section 18-8004, Idaho Code, which advice shall be signed by the defendant, and a copy retained by the court and another copy retained by the prosecuting attorney;

(d) Shall surrender his driver's license or permit to the court;

(e) Shall have his driving privileges suspended by the court for an additional mandatory minimum period of one (1) year after release from confinement, during which one (1) year period absolutely no driving privileges of any kind may be granted; and

(f) Shall, while operating a motor vehicle, be required to drive only a motor vehicle equipped with a functioning ignition interlock system, as provided in section 18-8008, Idaho Code, following the one (1) year mandatory license suspension period.

(5) If the person has pled guilty or was found guilty for the second time within ten (10) years of a violation of the provisions of section 18-8004(1)(b) or (c), Idaho Code, then the provisions of section 49-335, Idaho Code, shall apply.

(6) Except as provided in section 18-8004C, Idaho Code, any person who pleads guilty to or is found guilty of a violation of the provisions of section 18-8004(1)(a), (b) or (c), Idaho Code, who previously has been found guilty of or has pled guilty to two (2) or more violations of the provisions of section 18-8004(1)(a), (b) or (c), Idaho Code, or any substantially conforming foreign criminal violation, or any combination thereof, or who has completed a diversion program for driving under the influence, whether or not the person has pled guilty or been found guilty, or any substantially conforming foreign program, and has pled guilty or been found guilty of one (1) or more violations of the provisions of section 18-8004(1)(a), (b), or (c), Idaho Code, or any substantially conforming foreign criminal violation within ten (10) years, notwithstanding the form of the judgment(s) or withheld judgment(s), shall be guilty of a felony and:

(a) Shall be sentenced to the custody of the state board of correction for not to exceed ten (10) years; provided that notwithstanding the provisions of section 19-2601, Idaho Code, should the court impose any sentence other than incarceration in the state penitentiary, the defendant shall be sentenced to the county jail for a mandatory minimum period of ~~not~~ no less than thirty (30) days, the first forty-eight (48) hours of which must be consecutive, and ten (10) days of which must be served in jail, as required by 23 U.S.C. 164; and further provided that notwithstanding the provisions of section 18-111, Idaho Code, a conviction under this section shall be deemed a felony;

(b) May be fined an amount not to exceed five thousand dollars (\$5,000);

(c) Shall surrender his driver's license or permit to the court;

(d) Shall have his driving privileges suspended by the court for a mandatory minimum period of one (1) year after release from imprisonment, during which time he shall have absolutely no driving privileges of any kind, and may have his driving privileges suspended by the court for an additional period not to exceed four (4) years, during which the defendant may request restricted driving privileges that the court may allow if the defendant shows by a preponderance of the evidence that driving privileges are necessary for his employment or for family health needs; and

(e) Shall, while operating a motor vehicle, be required to drive only a motor vehicle equipped with a functioning ignition interlock system, as provided in section 18-8008, Idaho Code, following the mandatory one (1) year license suspension period.

(7) Notwithstanding the provisions of subsections (4)(e) and (6)(d) of this section, any person who is enrolled in and is a participant in good standing in a drug court or mental health court approved by the supreme court drug court and mental health court coordinating committee under the provisions of chapter 56, title 19, Idaho Code, or other similar problem solving court utilizing community-based sentencing alternatives shall be eligible for restricted noncommercial driving privileges for the purpose of getting to and from work, school or an alcohol treatment program, which may be granted by the presiding judge of the drug court or mental health

court or other similar problem solving court, provided that the offender has served a period of absolute suspension of driving privileges of at least forty-five (45) days, that a state-approved ignition interlock system is installed, at his expense, on any motor vehicles operated by the offender for a period to end one (1) year following the end of the suspension period and that the offender has shown proof of financial responsibility as defined and in the amounts specified in section 49-117, Idaho Code, provided that the restricted noncommercial driving privileges may be continued if the offender successfully completes the drug court, mental health court or other similar problem solving court, and that the court may revoke such privileges for failure to comply with the terms of probation or with the terms and conditions of the drug court, mental health court or other similar problem solving court program.

(8) For the purpose of computation of the enhancement period in subsections (4), (6) and (9) of this section, the time that elapses between the date of commission of the offense and the date the defendant pleads guilty or is found guilty for the pending offense shall be excluded. If the determination of guilt against the defendant is reversed upon appeal, the time that elapsed between the date of the commission of the offense and the date the defendant pleads guilty or is found guilty following the appeal shall also be excluded.

(9) Notwithstanding the provisions of subsections (4) and (6) of this section, any person who has pled guilty to or has been found guilty of a felony violation of the provisions of section 18-8004, Idaho Code, a felony violation of the provisions of section 18-8004C, Idaho Code, a violation of the provisions of section 18-8006, Idaho Code, a violation of the provisions of section 18-4006 3.(b), Idaho Code, notwithstanding the form of the judgment(s) or withheld judgment(s) or any substantially conforming foreign criminal felony violation, notwithstanding the form of the judgment(s) or withheld judgment(s), and within fifteen (15) years pleads guilty to or is found guilty of a further violation of the provisions of section 18-8004, Idaho Code, shall be guilty of a felony and shall be sentenced pursuant to subsection (6) of this section.

(10) For the purpose of subsections (4), (6) and (9) of this section and the provisions of section 18-8004C, Idaho Code, a substantially conforming foreign criminal violation exists when a person has pled guilty to or has been found guilty of a violation of any federal law or law of another state, or any valid county, city, or town ordinance of another state substantially conforming to the provisions of section 18-8004, Idaho Code. The determination of whether a foreign criminal violation is substantially conforming is a question of law to be determined by the court.

(11) Any person who pleads guilty to or is found guilty of a violation of the provisions of section 18-8004, 18-8004C or 18-8006, Idaho Code, shall undergo, at his own expense (or at county expense through the procedures set forth in chapters 34 and 35, title 31, Idaho Code) and prior to the sentencing date, an alcohol evaluation by a substance use disorders service provider approved by the Idaho department of health and welfare; provided however, if the defendant has no prior or pending charges with respect to the provisions of section 18-8004, 18-8004C or 18-8006, Idaho Code, and the court has the records and information required under subsection (12) (a), (b) and (c) of this section or possesses information from other reliable sources relating to the defendant's use or nonuse of alcohol or drugs which that does not give the court any reason to believe that the defendant regularly abuses alcohol or drugs and is in need of treatment, the court may, in its discretion, waive the evaluation with respect to sentencing for a violation of section 18-8004 or 18-8004C(1), Idaho Code, and proceed to sentence the defendant. The court may also, in its discretion, waive the requirement of an alcohol evaluation with respect to a defendant's first violation of the provisions of section 18-8004, 18-8004C or 18-8006, Idaho Code, and proceed to sentence the defendant if the court has a presentence investigation report, substance

use disorder assessment, criminogenic risk assessment, or other assessment which that evaluates the defendant's degree of alcohol abuse and need for alcohol treatment conducted within twelve (12) months preceding the date of the defendant's sentencing. In the event an alcohol evaluation indicates the need for alcohol treatment, the evaluation shall contain a recommendation by the evaluator as to the most appropriate treatment program, together with the estimated cost thereof, and recommendations for other suitable alternative treatment programs, together with the estimated costs thereof. The person shall request that a copy of the completed evaluation be forwarded to the court. The court shall take the evaluation into consideration in determining an appropriate sentence. If a copy of the completed evaluation has not been provided to the court, the court may proceed to sentence the defendant; however, in such event, it shall be presumed that alcohol treatment is required unless the defendant makes a showing by a preponderance of evidence that treatment is not required. If the defendant has not made a good faith effort to provide the completed copy of the evaluation to the court, the court may consider the failure of the defendant to provide the report as an aggravating circumstance in determining an appropriate sentence. If treatment is ordered, in no event shall the person or facility doing the evaluation be the person or facility that provides the treatment unless this requirement is waived by the sentencing court, with the exception of federally recognized Indian tribes or federal military installations, where diagnosis and treatment are appropriate and available. Nothing herein contained shall preclude the use of funds authorized pursuant to the provisions of chapter 3, title 39, Idaho Code, for court-ordered alcohol treatment for indigent defendants.

(12) At the time of sentencing, the court shall be provided with the following information:

- (a) The results, if administered, of any evidentiary test for alcohol and/or drugs;
- (b) A computer or teletype or other acceptable copy of the person's driving record;
- (c) Information as to whether the defendant has pled guilty to or been found guilty of a violation of the provisions of section 18-8004, 18-8004C or 18-8006, Idaho Code, or a similar offense within the past five (5) years, notwithstanding the form of the judgment(s) or withheld judgment(s); and
- (d) The alcohol evaluation required in subsection (11) of this section, if any.

(13) A minor may be prosecuted for a violation of the provisions of section 18-8004 or 18-8004C, Idaho Code, under chapter 5, title 20, Idaho Code. In addition to any other penalty, if a minor pleads guilty to or is found guilty of a violation of the provisions of section 18-8004(1)(a), (b) or (c) or 18-8004C, Idaho Code, he shall have his driving privileges suspended or denied for an additional one (1) year following the end of any period of suspension or revocation existing at the time of the violation, or until he reaches the age of twenty-one (21) years, whichever period is greater. During the period of additional suspension or denial, absolutely no driving privileges shall be allowed.

(14) In the event that the alcohol evaluation required in subsection (11) of this section recommends alcohol treatment, the court shall order the person to complete a treatment program in addition to any other sentence which that may be imposed, unless the court determines that alcohol treatment would be inappropriate or undesirable, in which event the court shall enter findings articulating the reasons for such determination on the record. The court shall order the defendant to complete the preferred treatment program set forth in the evaluation, or a comparable alternative, unless it appears that the defendant cannot reasonably obtain adequate financial resources for such treatment. In that event, the court may order

the defendant to complete a less costly alternative set forth in the evaluation, or a comparable program. Such treatment shall, to the greatest extent possible, be at the expense of the defendant. In the event that funding is provided for or on behalf of the defendant by an entity of state government, restitution shall be ordered to such governmental entity in accordance with the restitution procedure for crime victims, as specified under chapter 53, title 19, Idaho Code. Nothing contained herein shall be construed as requiring a court to order that a governmental entity shall provide alcohol treatment at government expense unless otherwise required by law.

(15) Any person who is disqualified, or whose driving privileges have been suspended, revoked or canceled under the provisions of this chapter, shall not be granted restricted driving privileges to operate a commercial motor vehicle.

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

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved April 1, 2024

CHAPTER 253
(S.B. No. 1262)

AN ACT

RELATING TO COMMUNICATIONS SECURITY; AMENDING SECTION 18-6710, IDAHO CODE, TO PROVIDE FOR THE USE OF TELECOMMUNICATION, EMAIL, TEXT MESSAGE, AND OTHER FORMS OF ELECTRONIC COMMUNICATION, TO REVISE A DEFINITION, AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 18-6710, Idaho Code, be, and the same is hereby amended to read as follows:

18-6710. USE OF TELEPHONE TELECOMMUNICATION TO ANNOY, TERRIFY, THREATEN, INTIMIDATE, HARASS, OR OFFEND BY LEWD OR PROFANE LANGUAGE, REQUESTS, SUGGESTIONS, OR PROPOSALS -- THREATS OF PHYSICAL HARM -- DISTURBING THE PEACE BY REPEATED CALLS TELECOMMUNICATION -- PENALTIES. (1) Every Any person who, with intent to annoy, terrify, threaten, intimidate, harass, or offend, telephones contacts another via telecommunication, email, text message, or any other form of electronic communication and (a) addresses to or about such person any obscene, lewd, or profane language, or makes any request, suggestion, or proposal which that is obscene, lewd, lascivious, or indecent; or (b) addresses to such other person any threat to inflict injury or physical harm to the person or property of the person addressed or any member of his family, or any other person; or (c) by repeated anonymous or identified telephone calls telecommunications, emails, text messages, or any other form of electronic communication whether or not conversation ensues, disturbs the peace or attempts to disturb the peace, quiet, or right of privacy of any person at the place where the telephone call or calls are telecommunication, email, text message, or any other form of electronic communication is received, is guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to a term of not to exceed one (1) year in the county jail. Upon a second or subsequent conviction, the defendant shall be

guilty of a felony and shall be sentenced to a term of not to exceed five (5) years in the state penitentiary.

(2) The use of obscene, lewd, or profane language or the making of a threat or obscene proposal, or the ~~making~~ sending of repeated anonymous ~~telephone calls~~ telecommunications, emails, text messages, or any other form of electronic communication as set forth in this section may be prima facie evidence of intent to annoy, terrify, threaten, intimidate, harass, or offend.

(3) For the purposes of this section, the term "telephone" "telecommunication" shall mean ~~any device which provides the transmission~~ of messages, signals, facsimiles, video images, or other communication between persons who are physically separated from each other by means of telephone, telegraph, cable, wire, or the projection of energy without physical connection.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved April 1, 2024

CHAPTER 254
(H.B. No. 513)

AN ACT

RELATING TO DUTIES OF A SHERIFF; AMENDING SECTION 31-2202, IDAHO CODE, TO REVISE A DUTY OF A SHERIFF AND TO MAKE TECHNICAL CORRECTIONS; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 31-2202, Idaho Code, be, and the same is hereby amended to read as follows:

31-2202. DUTIES OF SHERIFF. The policy of the state of Idaho is that the primary duty of enforcing all penal provisions and statutes of the state is vested with the sheriff of each county as provided in section 31-2227, Idaho Code. The sheriff shall perform the following:

- (1) Preserve the peace.
- (2) Arrest and take before the nearest magistrate for examination all persons who attempt to commit or who have committed a public offense, unless otherwise provided by law.
- (3) Prevent and suppress all affrays, breaches of the peace, riots and insurrections ~~which that~~ may come to his knowledge.
- (4) Attend all courts, including magistrate's division of the district court when ordered by a district judge, at their respective terms held within his county, and obey the lawful orders and directions of the courts.
- (5) Command the aid of as many inhabitants of the county as he may think necessary in the execution of these duties.
- (6) Take charge of and keep the county jail and the prisoners therein.
- (7) Indorse upon all process and notices the year, month, day, hour and minute of reception, and issue therefor to the person delivering it, on payment of fees, a certificate showing the names of the parties, title of paper and time of reception.
- (8) Serve all process and notices in the manner prescribed by law.

(9) Certify under his hand upon process or notices the manner and time of service, or, if he fails to make service, the reasons of his failure, and return the same without delay.

(10) Perform such other duties as are required of him by law.

(11) Keep a record of all stolen cars reported within his county, which record shall contain the name of the motor vehicle, the engine number thereof, a complete description of such vehicle and such other information as may aid in the identification of the stolen car. Such record shall be open to public inspection during office hours, and immediately upon receiving a report of a stolen car the sheriff shall prepare and forward a copy thereof to the director of the Idaho state police and he shall also notify the director of the Idaho state police of any and all cars recovered.

(12) At the specific request of the governor or his designated agent, prevent the unauthorized importation of wild omnivores or carnivores capable of causing injury to people or their property.

(13) Work in his county with the Idaho state police in the following respects:

(a) Require all persons using the highways in the state to do so carefully, safely and with exercise of care for the persons, property and safety of others;

(b) Safeguard and protect the surface and other physical portions of the state highways;

(c) Enforce all of the laws of the state enacted for the identification, inspection and transportation of livestock and all laws of the state designed to prevent the theft of livestock;

(d) Regulate traffic on all highways and roads in the state with the authority to temporarily close or restrict the use of any highway or road whenever the closure or restriction of use is deemed necessary for the safety of the public; and respond to calls following wrecks and make investigations relative thereto;

(e) Use whatever force is necessary to protect the public from wild or domestic omnivores or carnivores in a manner that is consistent with 50 C.F.R. section 17.84(i).

(14) Work in his county with the Idaho transportation department to give examinations for and sell drivers' licenses and identification cards.

(15) Expeditiously and promptly investigate all cases involving missing children when such cases are reported to him.

SECTION 2. SEVERABILITY. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this act.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved April 1, 2024

CHAPTER 255

(H.B. No. 586, As Amended in the Senate)

AN ACT

RELATING TO FISH AND GAME; AMENDING CHAPTER 5, TITLE 36, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 36-508, IDAHO CODE, TO ESTABLISH PROVISIONS REQUIRING NONRESIDENTS TO PROCURE A LICENSE PRIOR TO COLLECTING, POSSESSING, OR TRANSPORTING CERTAIN ANTLERS OR HORNS IN THE STATE AND TO PROVIDE AN EXCEPTION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 5, Title 36, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 36-508, Idaho Code, and to read as follows:

36-508. ANTLERS -- HORNS -- LICENSE. A nonresident collecting, possessing, or transporting antlers or horns shed from deer, elk, moose, or pronghorn in this state shall be required to first procure a license entitling the nonresident to hunt big game as provided in chapter 4, title 36, Idaho Code. No license shall be required for a nonresident under twelve (12) years of age who is accompanied by a nonresident who is licensed in compliance with the provisions of this section or by a resident.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved April 1, 2024

CHAPTER 256

(H.B. No. 601)

AN ACT

RELATING TO PARTIES TO ACTIONS; AMENDING CHAPTER 3, TITLE 5, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 5-347, IDAHO CODE, TO DEFINE TERMS, TO PROVIDE CERTAIN LEGAL IMMUNITY TO VOLUNTEER SECURITY PERSONNEL OF A RELIGIOUS ORGANIZATION, TO PROVIDE CERTAIN LEGAL IMMUNITY TO RELIGIOUS ORGANIZATIONS, AND TO PROVIDE APPLICABILITY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 3, Title 5, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 5-347, Idaho Code, and to read as follows:

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

(a) "Person" means an individual.

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

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

(d) "Volunteer" means a person who provides services without any express or implied promise of remuneration.

(2) No action shall lie or be maintained for civil damages in any court of this state against any volunteer security personnel of a religious organization for providing safety, security, or protection services for the religious organization or against the religious organization for which such volunteer security personnel provided safety, security, or protection services.

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

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

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved April 1, 2024

CHAPTER 257
(H.B. No. 545)

AN ACT

RELATING TO PROPERTY; AMENDING SECTION 55-307, IDAHO CODE, TO PROVIDE THAT A LOCAL GOVERNMENTAL UNIT SHALL NOT ENACT, MAINTAIN, OR ENFORCE AN ORDINANCE OR RESOLUTION TO FORCE PARTICIPATION IN AN OPTIONAL FEDERAL HOUSING ASSISTANCE PROGRAM OR ANY OTHER PROGRAM OR LAW TO REGULATE RENT, FEES, OR DEPOSITS CHARGED FOR LEASING PRIVATE RESIDENTIAL PROPERTY; AMENDING SECTION 55-2006, IDAHO CODE, TO REVISE PROVISIONS REGARDING RENT IN MANUFACTURED HOME COMMUNITIES AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 55-307, Idaho Code, be, and the same is hereby amended to read as follows:

55-307. CHANGE IN TERMS OF LEASE -- NOTICE -- NO RENT CONTROL. (1) In all leases of lands or tenements, or of any interest therein from month to month, the landlord may, upon giving notice in writing at least fifteen (15) days before the expiration of the month, change the terms of the lease to take effect at the expiration of the month. The notice, when served upon the tenant, shall of itself operate and be effectual to create and establish, as a part of the lease, the terms, rent and conditions specified in the notice if the tenant shall continue to hold the premises after the expiration of the month.

(2) A local governmental unit shall not enact, maintain, or enforce an ordinance or resolution that would have the effect of ~~controlling the amount of rent mandating Idaho property owners to be forced to participate in an optional federal housing assistance program or any other program or law that would otherwise regulate rent, fees, or deposits~~ charged for leasing private residential property. This provision does not impair the right of any local governmental unit to manage and control residential property in which the local governmental unit has a property interest.

(3) Notwithstanding subsection (1) of this section, in all leases of residential property, or of any interest therein, the landlord shall provide the tenant written notice of any increase in the amount of rent charged or of the landlord's intention of nonrenewal of the lease at least thirty (30) days before:

- (a) Such nonrenewal of the lease; or
- (b) Such increase in the amount of rent charged is intended to take effect.

SECTION 2. That Section 55-2006, Idaho Code, be, and the same is hereby amended to read as follows:

55-2006. ADJUSTMENTS TO RENT, SERVICES, UTILITIES OR RULES. (1) A landlord may increase or decrease rents after expiration of the lease term, but only with ninety (90) days' written notice to the residents. Such written notice shall be sent by first class mail, certified mail or personal delivery.

(2) Rental increases shall be uniform throughout the community. When rents within a community are structured by reason of lot or home size, amenities, lot location or otherwise, rental increases shall be uniform among all homes in the same rent tier.

(3) A landlord shall give written notice of such change to each affected ~~home owner~~ homeowner at least ninety (90) days prior to any amendment to the rental agreement. The landlord may not amend the rental agreement or rules more frequently than once in a six (6) month period.

(4) Rents in communities are governed by the provisions of subsection (2) of section 55-307, Idaho Code, which provides that a local governmental unit shall not enact, maintain, or enforce an ordinance or resolution that would have the effect of ~~controlling the amount of~~ regulating rent charged for leasing private residential property.

(5) Notwithstanding the foregoing provisions, a rental agreement may include an escalation clause for a pro rata share of any increase or decrease in the community's ad valorem taxes, utility assessments, or other services as included in the monthly rental charge, after the effective date of such a change. Issues of public safety, health or property degradation may also be included in this section. The landlord shall give thirty (30) days' written notice to a resident before such an increase or decrease.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved April 1, 2024

CHAPTER 258
(H.B. No. 514, As Amended)

AN ACT

RELATING TO SEXUAL OFFENDER REGISTRATION; AMENDING SECTION 18-8303, IDAHO CODE, TO REVISE A DEFINITION AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 18-8303, Idaho Code, be, and the same is hereby amended to read as follows:

18-8303. DEFINITIONS. As used in this chapter:

(1) "Aggravated offense" means any of the following crimes: 18-1506A (ritualized abuse of a child); 18-1508 (lewd conduct); 18-4003(d) (murder committed in the perpetration of rape); 18-4502 (first-degree kidnapping committed for the purpose of rape, committing any lewd and lascivious act upon any child under the age of sixteen years or for purposes of sexual gratification or arousal); 18-4503 (second-degree kidnapping where the victim is an unrelated minor child and the kidnapping is committed for the purpose of rape, committing any lewd and lascivious act upon any child under the age of sixteen years or for purposes of sexual gratification or arousal); 18-6101 (rape, but excluding section 18-6101(1) where the victim is at least twelve (12) years of age or the defendant is eighteen (18) years of age and section 18-6101(2) where the victim is sixteen (16) or seventeen (17) years of age and the defendant is no more than five (5) years older than the victim); 18-6604 (forcible penetration by use of a foreign object); 18-8602(1)(a)(i) (sex trafficking); and any other offense set forth in section 18-8304, Idaho Code, if at the time of the commission of the offense the victim was below the age of thirteen (13) years or an offense that is substantially similar to any of the foregoing offenses under the laws of another jurisdiction or military court or the court of another country.

(2) "Board" means the sexual offender management board described in section 18-8312, Idaho Code.

(3) "Central registry" means the registry of convicted sexual offenders maintained by the Idaho state police pursuant to this chapter.

(4) "Certified evaluator" means either a psychiatrist licensed by this state pursuant to chapter 18, title 54, Idaho Code, or a master's or doctoral level mental health professional licensed by this state pursuant to chapter 23, chapter 32, or chapter 34, title 54, Idaho Code. Such person shall have, by education, experience and training, expertise in the assessment and treatment of sexual offenders, and such person shall meet the qualifications and shall be approved by the board to perform psychosexual evaluations in this state, as described in section 18-8314, Idaho Code.

(5) "Department" means the Idaho state police.

(6) "Employed" means full-time or part-time employment exceeding ten (10) consecutive working days or for an aggregate period exceeding thirty (30) days in any calendar year, or any employment that involves counseling, coaching, teaching, supervising or working with minors in any way regardless of the period of employment, whether such employment is financially compensated, volunteered or performed for the purpose of any government or education benefit.

(7) "Foreign conviction" means a conviction under the laws of Canada, Great Britain, Australia or New Zealand, or a conviction under the laws of any foreign country deemed by the U.S. department of state, in its country reports on human rights practices, to have been obtained with sufficient safeguards for fundamental fairness and due process.

(8) "Incarceration" means committed to the custody of the Idaho department of correction or department of juvenile corrections, but excluding cases where the court has retained jurisdiction.

(9) "Jurisdiction" means any of the following: a state, the District of Columbia, the commonwealth of Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, the United States Virgin Islands, the federal government or a federally recognized Indian tribe.

(10) "Minor" means an individual who has not attained the age of eighteen (18) years.

(11) "Offender" means an individual convicted of an offense listed and described in section 18-8304, Idaho Code, or a substantially similar offense under the laws of another jurisdiction or military court or the court of another country deemed by the U.S. department of state, in its country reports on human rights practices, to have sufficient safeguards for fundamental fairness and due process.

(12) "Offense" means a sexual offense listed in section 18-8304, Idaho Code.

(13) "Psychosexual evaluation" means an evaluation that specifically addresses sexual development, sexual deviancy, sexual history and risk of reoffense as part of a comprehensive evaluation of an offender.

(14) "Recidivist" means an individual convicted two (2) or more times of any offense requiring registration under this chapter.

(15) "Residence" means the offender's present place of abode.

(16) "Student" means a person who is enrolled on a full-time or part-time basis, in any public or private educational institution, including any secondary school, trade or professional institution or institution of higher education.

(17) "Violent sexual predator" means a person who was designated as a violent sexual predator by the sexual offender management board where such designation has not been removed by judicial action or otherwise.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved April 1, 2024

CHAPTER 259
(H.B. No. 729)

AN ACT

RELATING TO HIGHWAYS AND BRIDGES; AMENDING SECTION 40-708, IDAHO CODE, TO PROVIDE FOR THE HIGHWAY DISTRIBUTION ACCOUNT AND TO ADD A CERTAIN CERTIFICATION REQUIREMENT; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 40-708, Idaho Code, be, and the same is hereby amended to read as follows:

40-708. POLICY OF LEGISLATURE ON EXPENDITURES. (1) It is the declared policy of the legislature that, except as otherwise provided, all highway-user revenues accruing to the state highway account be spent exclusively for the maintenance, construction and development of highways and bridges in the state highway system. By mutual cooperative written agreements, or in the event of emergencies or other unusual circumstances where the financial or

general welfare of the people is concerned, two (2) or more units of government may, upon a showing of cause declared and entered upon the minutes of an official meeting of the board, the boards of county, highway district commissioners or the governing body of any cities involved, as the case may be, share jointly the costs of the maintenance, construction or development of highways and bridges in any state, county, district or city system.

(2) It is further the declared policy of the legislature that, except as otherwise provided, all highway-user revenues accruing to the state highway distribution account and all ad valorem levies accruing pursuant to chapter 8, title 40, Idaho Code, shall be spent in support of the operations, administration, maintenance, construction, and development of bridges and highways that benefit primarily motor vehicles in the local highway jurisdiction. All moneys apportioned to the board, counties or highway districts, and cities from the proceeds from the imposition of tax on fuels and from any tax or fee for the registration or operation of motor vehicles for general highway construction and maintenance, bridge and culvert moneys, shall be accounted for as to the actual expenditure to the state controller, as dedicated funds by a certification of the governing unit receiving, budgeting and expending those dedicated funds. The certification shall list the actual funds received for the budgetary period in each category of dedicated funds and the actual expenditure of the used dedicated funds. Any balance of dedicated funds unexpended must be shown and accounted for as a beginning balance in the next regular budget. The certification shall be prepared by the director, county auditor or highway district treasurer or city clerk and shall be signed by the elected county or highway district commissioners, mayor, council, or board members of the respective reporting governmental unit. The certification shall certify that all highway user revenues and ad valorem levies have been expended only to support the operations, administration, maintenance, construction, and development of bridges and highways that benefit primarily motor vehicles in the local highway jurisdiction. The certification shall be made by December 31 of each year for the preceding fiscal budget year and shall be published once as a legal notice between January 1 and January 15. Failure to make certification, failure to publish or the making of false statements in the certification shall subject the person so doing to the penalties prescribed in section 40-207, Idaho Code, or be used as the grounds for removal from office of the offending officials. The state controller is empowered to withhold the distribution of funds for noncompliance with the provisions of this section, but upon compliance shall authorize the distribution to be made.

(3) Moneys remaining unexpended in dedicated funds shall not be budgeted or expended for uses other than the limits of the dedicated fund.

(4) Highway districts may accumulate fund balances at the end of a fiscal year and carry over those fund balances into the ensuing fiscal year sufficient to achieve or maintain highway district operations on a cash basis. A fund balance is the excess of the assets of a fund over its liabilities and reserves.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved April 1, 2024

CHAPTER 260
(S.B. No. 1394)

AN ACT

RELATING TO VOTING MACHINES; AMENDING SECTION 18-2306, IDAHO CODE, TO PROVIDE THAT TAMPERING WITH A VOTING MACHINE IS A FELONY OFFENSE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 34-2401, IDAHO CODE, TO REMOVE AND REVISE DEFINITIONS AND TO DEFINE A TERM; AMENDING SECTION 34-2404, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE PROHIBITION ON TAMPERING WITH VOTING MACHINES; AMENDING SECTION 34-2409, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE EXAMINATION OF VOTING MACHINES; AMENDING SECTION 34-2410, IDAHO CODE, TO REVISE PROVISIONS REGARDING SPECIFICATIONS FOR VOTING MACHINES OR VOTE TALLY SYSTEMS; AMENDING SECTION 34-2411, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE DUTIES OF ELECTION BOARD CLERKS; AMENDING SECTION 34-2415, IDAHO CODE, TO REMOVE PROVISIONS REGARDING THE PREPARATION OF A POLLING PLACE FOR AN ELECTION AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 34-2416, IDAHO CODE, TO REMOVE PROVISIONS REGARDING THE PROCEDURE FOR PREPARING VOTING MACHINES FOR AN ELECTION AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 34-2418, IDAHO CODE, TO REMOVE PROVISIONS REGARDING BALLOT LABELS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 34-2420, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE EXAMINATION OF A VOTING MACHINE DURING ELECTIONS; REPEALING SECTION 34-2426, IDAHO CODE, RELATING TO THE EXHIBITION OF VOTING MACHINES FOR THE INSTRUCTION OF VOTERS; AMENDING CHAPTER 24, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-2426, IDAHO CODE, TO PROVIDE FOR PUBLIC LOGIC AND ACCURACY TESTS; AMENDING SECTION 34-903, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 34-1411, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 18-2306, Idaho Code, be, and the same is hereby amended to read as follows:

18-2306. ILLEGAL VOTING OR -- INTERFERENCE WITH ELECTION -- TAMPERING WITH VOTING MACHINES OR VOTE TALLY SYSTEMS. Every person not entitled to vote, who fraudulently votes, and every person who votes more than once at any one election, or knowingly hands in two (2) or more tickets folded together, or changes any ballot after the same has been deposited in the ballot box, or adds, or attempts to add, any ballot to those legally polled at any election, either by fraudulently introducing the same into the ballot box before or after the ballots therein have been counted, or adds to or mixes with, or attempts to add to or mix with, the ballots lawfully polled, other ballots, while the same are being counted or canvassed, or at any other time, with intent to change the result of such election; or carries away or destroys, or attempts to carry away or destroy, any poll list, or ballots, or ballot box, for the purpose of breaking up or invalidating such election, or wilfully willfully detains, mutilates, or destroys any election returns, or in any manner so interferes with the officers holding such election or conducting such canvass, or with the voters lawfully exercising their rights of voting at such election, as to prevent such election or canvass from being fairly held and lawfully conducted, or who violates the provisions of section 34-2404(1) or (2), Idaho Code, by tampering with a voting machine or vote tally system, is guilty of a felony.

SECTION 2. That Section 34-2401, Idaho Code, be, and the same is hereby amended to read as follows:

34-2401. DEFINITIONS. As used in this chapter:

(1) "Ballot" means any material used or the voting surface of a direct recording electronic system on which votes are cast for offices, candidates and measures.

(2) "Ballot card" means the tabulating card or cards of any size upon which the voter records his vote.

~~(3) "Ballot label" means the cards, papers, booklet or other material containing the names of offices and candidates and measures to be voted on.~~

~~(4) (3) "Election" means all state, county, city, district and other political subdivision elections including bond issue elections.~~

~~(5) (4) "Governing body" means the board of county commissioners of any county or the governing body of any city, district or other political subdivision elections including bond issue elections.~~

~~(6) (5) "Measure" means a proposed law, act or part of an act of the legislative assembly or amendment to the constitution of the state of Idaho to be submitted to the people for their approval or rejection at an election. "Measure" also means other propositions which that can be submitted to the voters at any election by counties, cities, districts or other political subdivisions.~~

~~(7) "Model" means a mechanically operated model of a portion of the face of the machine illustrating the means of voting.~~

~~(8) (6) "Precinct" includes all election districts.~~

(7) "Vote tally system" means the total combination of equipment, including hardware, firmware, software, materials, and documentation, used to perform the following functions of an election:

(a) To define or read ballots and verify accuracy;

(b) To mark, scan, and count ballots;

(c) To report or produce election results; and

(d) To maintain and produce any audit trail information.

~~(9) (8) "Voting machine" means:~~

~~(a) Any mechanical or electronic device which that will record every vote cast by any voter on candidates and measures and which that will either internally or externally total all votes cast on that device; or~~

~~(b) Any device into which a ballot card may be inserted and which that is so designed and constructed that the vote for any candidate or measure may be indicated by punching or marking the ballot card.~~

~~(10) "Vote tally system" means one (1) or more pieces of machinery or equipment necessary to examine and tally automatically paper ballots having marks placed thereon by a written mark or by a marking stamp. The examination shall be accomplished by either mark sensing or optical scanning.~~

SECTION 3. That Section 34-2404, Idaho Code, be, and the same is hereby amended to read as follows:

34-2404. TAMPERING WITH MACHINES PROHIBITED. (1) No person shall:

(a) Tamper with or injure or attempt to injure any voting machine or vote tally system to be used or being used in an election-;

(b) Tamper with any voting machine or vote tally system that has been used in an election-; or

(c) Prevent or attempt to prevent the correct operation of any voting machine or vote tally system.

(2) ~~An~~ No unauthorized person shall not make or have in his possession a key to a voting machine to be used or being used in an election.

(3) The secretary of state may authorize access to voting machines or vote tally systems with consent of the county clerk for the purposes of testing, inspection, maintenance, or any other reason deemed necessary by the secretary of state. Such authorization shall be in writing.

~~(3)~~ (4) Neither the secretary of state nor any officer or employee of any county, city, district or other political subdivision using voting machines or vote tally systems, shall solicit or accept any compensation, other than amounts paid by the governmental unit, in connection with the sale, lease or use of voting machines or vote tally systems.

SECTION 4. That Section 34-2409, Idaho Code, be, and the same is hereby amended to read as follows:

34-2409. EXAMINATION OF MACHINES BY SECRETARY OF STATE PRIOR TO ADOPTION CERTIFICATION. (1) The secretary of state shall publicly examine all makes of voting machines or vote tally systems submitted to him and determine whether the machines or vote tally systems comply with the requirements of this chapter, and can safely be used by voters at elections under the provisions of this chapter. ~~Any voting machine or vote tally system~~ All voting machines or vote tally systems shall be certified by the secretary of state for use in Idaho. Except for functions or capabilities unique to this state, voting machines and vote tally systems shall be tested ~~and the results certified by an independent testing authority designated by the secretary of state prior to certification by a voting system testing laboratory prior to the examination of voting machines and vote tally systems by the secretary of state.~~

(2) Any person owning or interested in a voting machine or vote tally system may submit it to the secretary of state for examination. No examination shall be conducted unless documentation is provided indicating that the voting machine or vote tally system meets ~~the federal election commission standards~~ United States election assistance commission guidelines. For the purpose of assistance in examining the machine or vote tally system, the secretary of state may employ not more than three (3) individuals who are expert in one (1) or more of the fields of data processing, mechanical engineering, and public administration. The compensation of these assistants shall be paid by the person submitting the machine or vote tally system.

(3) Within thirty (30) days after completing the examination ~~and approval~~ of any voting machine or vote tally system, the secretary of state shall make and file in his office his report and determination of certification on the machine or vote tally system, together with a written or printed description and drawings ~~and~~ or photographs clearly identifying the machine or vote tally system and the operation thereof. As soon as practicable after such filing, the secretary of state upon request shall send a copy of the report to any governing body within the state.

(4) Any voting machine or vote tally system that receives the approval certification of the secretary of state may be used for conducting elections in this state. Any machine or vote tally system that does not receive such approval certification shall not be adopted for or used at any election. After a voting machine or vote tally system has been approved certified by the secretary of state, any change or improvement in the machine or vote tally system that does not impair its accuracy, efficiency, or capacity shall not render necessary a reexamination or ~~reapproval~~ recertification of the machine or vote tally system.

(5) Any voting system, including paper ballots, that was used in the 2004 general election shall be continued to be authorized for use as long as the voting system meets the requirements of the "Help America Vote Act of 2002," Public Law 107-252.

(6) For all elections conducted after 2004, no direct recording electronic voting device shall be used unless the direct recording electronic voting device has a voter verifiable paper audit trail. Any certifications of a direct recording electronic voting device without a voter verifiable paper audit trail are hereby declared null and void.

(7) The secretary of state may periodically review the various voting systems that have been certified for use in the state to ensure such systems meet the standards guidelines set forth by the federal United States election assistance commission and the national institute of standards and technology. Any voting system that does not meet such standards guidelines may be decertified after a public hearing.

SECTION 5. That Section 34-2410, Idaho Code, be, and the same is hereby amended to read as follows:

34-2410. SPECIFICATIONS FOR VOTING MACHINES OR VOTE TALLY SYSTEMS. (1) No voting machine or vote tally system shall be approved by the secretary of state unless it is constructed so that it:

(a) Secures to the voter secrecy in the act of voting.

(b) Provides ~~facilities for voting for the~~ opportunity for voters to vote for candidates of as many political parties or organizations as may make nominations and for or against as many measures as may be submitted.

(c) Permits the voter to vote for any person for any office and upon any measure that he has the right to vote for.

(d) Permits the voter, except at primary elections, to vote for all the candidates of one (1) party or in part for the candidates of one (1) party and in part for the candidates of one (1) or more other parties.

(e) Permits the voter to vote for as many persons for an office as he is lawfully entitled to vote for but no more.

(f) Prevents the voter from voting for the same person more than once for the same office.

(g) Correctly registers or records all votes cast for any and all persons and for or against any and all measures.

(h) ~~Can be adjusted so that the counting mechanism rejects any vote cast on the tabulating card in excess of the number which the voter is entitled to vote.~~ Can reject any vote cast in excess of the number that the voter is entitled to vote, which shall be considered an overvote.

(i) Provides that a vote for more than one (1) candidate cannot be cast by one (1) single operation of the machine or vote tally system.

(2) A vote tally system shall be:

(a) Capable of correctly counting votes on ballots or ballot cards on which the proper number of votes have been marked for any office or question or issue that has been voted.

(b) Capable of ignoring the votes marked for any office or question or issue where more than the allowable number of votes have been marked, but shall correctly count the properly voted portions of the ballot card.

(c) Capable of accumulating a count of the specific number of ballots or ballot cards tallied for a precinct, accumulating total votes by a candidate for each office, and accumulating total votes for and against each question and issue of the ballots or ballot cards tallied for a precinct.

(d) Capable of tallying votes from ballots or ballot cards of different political parties, from the same precinct, in the case of a primary election.

(e) Capable of accommodating rotation of candidates' names on the ballot or ballot card, provided that all ballots or ballot cards from one (1) precinct shall be of the same rotation sequence.

(f) Capable of automatically producing precinct totals in either printed, marked, or punched digital form, or combinations thereof.

(3) No vote tally system shall be connected to the internet at any time, and no vote tally system shall receive or transmit data through wireless

communications. The provisions of this subsection shall not apply to electronic poll books authorized pursuant to section 34-1106A, Idaho Code.

SECTION 6. That Section 34-2411, Idaho Code, be, and the same is hereby amended to read as follows:

34-2411. DUTIES OF CLERKS OF ELECTION BOARDS. (1) The secretary of state shall issue an administrative order outlining the duties of each of the clerks on the election board. He shall devise and prescribe for use by each local election officer the contents, form, character and kinds of ballots, ~~ballot labels,~~ ballot cards, formats, records, papers and documents and other materials and supplies and procedures necessary in the use of voting machines or vote tally systems and in the process of counting and tabulating the ballots by mechanical or electrical counting devices or equipment or computers.

(2) The secretary of state shall prescribe rules ~~and regulations~~ to achieve and maintain the maximum degree of correctness, impartiality, and efficiency on the procedures of voting, ~~and of counting, tabulating,~~ and recording votes, by the devices, machines or vote tally systems and methods provided by this act ~~chapter~~.

SECTION 7. That Section 34-2415, Idaho Code, be, and the same is hereby amended to read as follows:

34-2415. PREPARATION OF POLLING PLACE FOR ELECTION. (1) The election board of each election precinct in which a voting machine is to be used shall meet at the polling place for the election precinct at least thirty (30) minutes before the time set for opening the polls. Before preparing the machine for voting, the election board shall ~~proceed as prescribed in subsection (2) of this section.~~

~~(2) The election board shall:~~

~~(a) Cause cause the voting machine to be placed where it can be conveniently attended by the election board and conveniently operated by the voters and where the ballot labels on the machines can be plainly seen by the election board and the public when not being voted on.~~

~~(b) Cause the model to be placed where each voter can conveniently operate it and receive instructions on the model as to the manner of voting before entering the voting machine booth.~~

~~(c) Determine that the ballot labels are in the proper place on the machine.~~

~~(3) (2) After performing their its duties as provided in this section, the election board shall certify to the fact in the appropriate places in the poll book.~~

SECTION 8. That Section 34-2416, Idaho Code, be, and the same is hereby amended to read as follows:

34-2416. PROCEDURE FOR PREPARING MACHINES FOR AN ELECTION. (1) In preparing a voting machine for an election, the county clerk or the clerk of the city, district or other political subdivision, as the case may be, shall:

(a) Arrange the machine ~~and the ballot labels~~ so that it shall in every particular case meet the requirements of voting and counting at such elections; ~~and~~

(b) Thoroughly inspect and test the machine, ~~and file a certificate in his office that the ballot labels have been properly arranged.~~

~~(2) The arrangement of offices and names of candidates upon the ballot labels shall conform as nearly as practicable to the provisions of law for the arrangement of names on paper ballots, and in the event that there are more candidates for any office than can be placed upon one (1) page, the la-~~

~~bels shall be clearly marked to indicate that the names of candidates for the office are continued on the following page.~~

~~(3) (2) Representatives of political parties and candidates shall be permitted to examine the voting machines or vote tally systems.~~

SECTION 9. That Section 34-2418, Idaho Code, be, and the same is hereby amended to read as follows:

34-2418. ~~BALLOTS AND BALLOT LABELS.~~ (1) The ballots and ballot labels required to be furnished for general or special elections shall be printed in black ink on clear white material of such size and arrangements as to suit the construction of the machine. The ballot labels for measures may contain a condensed statement of purpose for each measure to be voted on, accompanied by the words "Yes" and "No." The title of the offices on the ballot labels shall be printed in type as large as the space for the office will reasonably permit. Where more than one (1) candidate can be voted for an office, there shall be printed below the office title words indicating the number the voter is lawfully entitled to vote for out of the whole number of candidates, such as "Vote for Two."

(2) The ballots and ballot labels required to be furnished for primary elections may be of different colors for the political parties who are nominating or electing candidates.

(3) The "judiciary ballot" may be added to the ballot labels for the political parties. Candidates for the above offices will be shown under the general title of nonpartisan judicial candidates.

(4) When a vote tally system is used, the county clerk shall prepare the ballots as nearly as practicable as required by law.

SECTION 10. That Section 34-2420, Idaho Code, be, and the same is hereby amended to read as follows:

34-2420. ~~EXAMINATIONS OF FACE OF MACHINE DURING ELECTION.~~ The election board shall occasionally examine the ~~face of the~~ voting machine and the ~~ballot labels~~ ballots to determine that the machine and the ~~ballot labels~~ ballots have not been damaged or tampered with.

SECTION 11. That Section 34-2426, Idaho Code, be, and the same is hereby repealed.

SECTION 12. That Chapter 24, Title 34, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 34-2426, Idaho Code, and to read as follows:

34-2426. PUBLIC LOGIC AND ACCURACY TESTS. (1) Each county clerk shall hold a public logic and accuracy test prior to election day to demonstrate to the public that the vote tally system is accurately reading and tabulating votes cast. Each county clerk utilizing a voting machine shall conduct internal election setup testing to ensure electronic vote tally system functionality and accuracy.

(2) Public notice shall be published on the county's official website, if the county maintains a website, or shall be posted within the office of the county clerk at least ten (10) days prior to the commencement of the public test.

(3) The county clerk shall adopt procedures for testing that ensure the vote tally system can:

(a) Verify that each contest position and ballot style on the ballot can be voted and is accurately counted;

(b) Include overvotes and undervotes for each race, if applicable to the system being tested;

(c) Include write-in votes, when applicable to the election;

(d) Determine expected test outcomes depending on marking pattern applied;

(e) Produce a zero report during the logic and accuracy test to show that no ballots have been cast and no votes have been tabulated; and

(f) Allow the county clerk to observe the tabulation of all ballots and compare the actual results to the expected results.

(4) A logic and accuracy test is successful if the actual results are identical to the expected results. In the event a test produces different results from the expected results, the county clerk shall investigate the cause of the variance and repeat the test until accurate results are produced.

(5) Upon completion of a successful test, the county clerk shall declare the public logic and accuracy test complete.

SECTION 13. That Section 34-903, Idaho Code, be, and the same is hereby amended to read as follows:

34-903. SECRETARY OF STATE TO PRESCRIBE FORM AND CONTENTS OF ALL BALLOTS AND RELATED DOCUMENTS. (1) The secretary of state shall, in a manner consistent with the election laws of this state, prescribe the form for all ballots, absentee ballots, diagrams, sample ballots, ~~ballet labels~~, voting machine labels or booklets, certificates, notices, declarations of candidacy, affidavits of all types, lists, applications, poll books, tally sheets, registers, rosters, statements, and abstracts if required by the election laws of this state.

(2) The secretary of state shall prescribe the arrangement of the matter to be printed on each kind of ballot and label, including:

(a) The placement and listing of all offices, candidates and issues upon which voting is statewide, which shall be uniform throughout the state.

(b) The listing of all other candidates required to file with him, and the order of listing all offices and issues upon which voting is not statewide.

(3) The names of candidates for legislative or special district offices shall be printed only on the ballots and ~~ballet labels~~ furnished to voters of such district.

(4) (a) The names of candidates that appear on election ballots for federal, state, county, and city offices shall be rotated in the manner determined by the secretary of state.

(b) The names of candidates that appear on election ballots for other offices shall be rotated in the manner determined by the secretary of state for any political entity whose number of registered voters at the last general election exceeds one hundred thousand (100,000).

(c) The order of candidates for office in all other elections shall be determined by applying the first letter of each candidate's last name to a random alphabet selected prior to each election by the secretary of state.

(5) No candidate's name may appear on a ballot for more than one (1) partisan office or one (1) judicial office, except that a candidate for precinct committeeman may seek one (1) additional office upon the same ballot. The provisions of this subsection shall not apply to the election of electors of president and vice president of the United States.

SECTION 14. That Section 34-1411, Idaho Code, be, and the same is hereby amended to read as follows:

34-1411. PAYMENT OF ELECTION EXPENSES BY COUNTY. (1) On and after January 1, 2011, no county shall charge any taxing district, as defined in section 63-201, Idaho Code, for expenses associated with conducting any elec-

tion on behalf of any taxing district, with the exception of expenses associated with conducting municipal runoff elections, which shall be paid by the city adopting runoff elections pursuant to the provisions of section 50-612 or 50-707B, Idaho Code. Expenses associated with conducting taxing district elections shall include:

- (a) Costs of ballot preparation, distribution, printing and counting, including absentee ballots.
- (b) Costs of printing poll books and costs of tally books, stamps, signs and any other voting supplies, publications and equipment.
- (c) Wages or other compensation for election judges and clerks or any county employees or officials performing duties associated with conducting taxing district elections.
- (d) Costs paid for renting polling facilities.
- (e) Acquisition, repair, maintenance or any other costs associated with voting machines or vote tally systems as defined in subsections ~~(9)~~ and ~~(10)~~ of section 34-2401, Idaho Code.
- (f) Costs of publishing and printing election notices and ballots.

(2) Counties shall not be responsible for any election expenses prior to the time any taxing district orders an election, such as notice and costs for public hearings and notice and costs for public hearings on ballot measures.

(3) Notwithstanding the provisions of subsection (1) of this section, all ballot questions shall be limited to two hundred fifty (250) words or less. If a ballot question is in excess of two hundred fifty (250) words, the entity proposing a ballot question that is not a state constitutional amendment shall be required to pay the ballot printing costs associated with the ballot question.

SECTION 15. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved April 1, 2024

CHAPTER 261
(H.B. No. 600)

AN ACT

RELATING TO ASSAULT AND BATTERY; AMENDING SECTION 18-918, IDAHO CODE, TO REVISE PROVISIONS REGARDING PENALTIES; AMENDING SECTION 18-923, IDAHO CODE, TO PROVIDE FOR PENALTIES IN CERTAIN INSTANCES AND TO DEFINE TERMS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 18-918, Idaho Code, be, and the same is hereby amended to read as follows:

18-918. DOMESTIC VIOLENCE. (1) For the purpose of this section:

- (a) "Household member" means a person who is a spouse, former spouse, or a person who has a child in common regardless of whether they have been married or a person with whom a person is cohabiting, whether or not they have married or have held themselves out to be husband or wife.
- (b) "Traumatic injury" means a condition of the body, such as a wound or external or internal injury, whether of a minor or serious nature, caused by physical force.

(2) (a) Any household member who in committing a battery, as defined in section 18-903, Idaho Code, inflicts a traumatic injury upon any other household member is guilty of a felony.

(b) A conviction of felony domestic battery is punishable by imprisonment in the state prison for a term not to exceed ten (10) years or by a fine not to exceed ten thousand dollars (\$10,000) or by both fine and imprisonment.

(3) (a) A household member who commits an assault, as defined in section 18-901, Idaho Code, against another household member which does not result in traumatic injury is guilty of a misdemeanor domestic assault.

(b) A household member who commits a battery, as defined in section 18-903, Idaho Code, against another household member which does not result in traumatic injury is guilty of a misdemeanor domestic battery.

(c) A first conviction under this subsection is punishable by a fine not exceeding one thousand dollars (\$1,000) or by imprisonment in a county jail not to exceed six (6) months, or both. Any person who pleads guilty to or is found guilty of a violation of this subsection who previously has pled guilty to or been found guilty of a violation of this subsection, or of any substantially conforming foreign criminal violation, notwithstanding the form of the judgment or withheld judgment, within ten (10) years of the first conviction, shall be guilty of a misdemeanor and shall be punished by imprisonment in the county jail for a term not to exceed one (1) year or by a fine not exceeding two thousand dollars (\$2,000) or by both fine and imprisonment. Any person who pleads guilty to or is found guilty of a violation of this subsection who previously has pled guilty to or been found guilty of two (2) violations of this subsection, or of any substantially conforming foreign criminal violation or any combination thereof, notwithstanding the form of the judgment or withheld judgment, within fifteen (15) years of the first conviction, shall be guilty of a felony and shall be punished by imprisonment in the state prison for a term not to exceed five (5) years or by a fine not to exceed five thousand dollars (\$5,000) or by both fine and imprisonment.

(4) The maximum penalties provided in this section shall be doubled where the act of domestic assault or battery for which the person is convicted or pleads guilty took place in the presence of a child. For purposes of this section, "in the presence of a child" means in the physical presence of a child or knowing that a child is present and may see or hear an act of domestic assault or battery. For purposes of this section, "child" means a person under sixteen (16) years of age.

(5) Notwithstanding any other provisions of this section, any person who previously has pled guilty to or been found guilty of a felony violation of the provisions of this section, attempted strangulation as provided in section 18-923, Idaho Code, or of any substantially conforming foreign criminal felony violation, notwithstanding the form of the judgment or withheld judgment, and who, within fifteen (15) years, pleads guilty to or is found guilty of any further violation of this section shall be guilty of a felony and shall be punished by imprisonment in the state prison for a term not to exceed ~~ten (10)~~ twenty (20) years or by a fine not to exceed ten thousand dollars (\$10,000), or by both such fine and imprisonment.

(6) For the purposes of this section, a substantially conforming foreign criminal violation exists when a person has pled guilty to or been found guilty of a violation of any federal law or law of another state, or any valid county, city or town ordinance of another state, substantially conforming with the provisions of this section. The determination of whether a foreign criminal violation is substantially conforming is a question of law to be determined by the court.

(7) (a) Any person who pleads guilty to or is found guilty of a violation of this section or attempted strangulation as provided in section 18-923, Idaho Code, shall undergo, at the person's own expense, an evaluation by a person, agency or organization approved by the court in accordance with paragraph (c) of this subsection to determine whether the defendant should be required to obtain counseling or other appropriate treatment. Such evaluation shall be completed prior to the sentencing date if the court's list of approved evaluators, in accordance with paragraph (c) of this subsection, contains evaluators who are able to perform the evaluation prior to the sentencing dates. If the evaluation recommends counseling or other treatment, the evaluation shall recommend the type of counseling or treatment considered appropriate for the defendant, together with the estimated costs thereof, and shall recommend any other suitable alternative counseling or treatment programs, together with the estimated costs thereof. The defendant shall request that a copy of the completed evaluation be forwarded to the court. The court shall take the evaluation into consideration in determining an appropriate sentence. If a copy of the completed evaluation has not been provided to the court, the court may proceed to sentence the defendant; however, in such event, it shall be presumed that counseling is required unless the defendant makes a showing by a preponderance of evidence that counseling is not required. If the defendant has not made a good faith effort to provide the completed copy of the evaluation to the court, the court may consider the failure of the defendant to provide the report as an aggravating circumstance in determining an appropriate sentence. If counseling or other treatment is ordered, in no event shall the person, agency or organization doing the evaluation be the person, agency or organization that provides the counseling or other treatment unless this requirement is waived by the sentencing court, with the exception of federally recognized Indian tribes or federal military installations, where diagnosis and treatment are appropriate and available. Nothing herein contained shall preclude the use of funds authorized for court-ordered counseling or treatment pursuant to this section for indigent defendants as provided by law. In the event that funding is provided for or on behalf of the defendant by a governmental entity, the defendant shall be ordered to make restitution to such governmental entity in accordance with the restitution procedure for crime victims, as specified under chapter 53, title 19, Idaho Code.

(b) If the evaluation recommends counseling or other treatment, the court shall order the person to complete the counseling or other treatment in addition to any other sentence which may be imposed. If the court determines that counseling or treatment would be inappropriate or undesirable, the court shall enter findings articulating the reasons for such determination on the record. The court shall order the defendant to complete the preferred counseling or treatment program set forth in the evaluation, or a comparable alternative, unless it appears that the defendant cannot reasonably obtain adequate financial resources for such counseling or treatment. In that event, the court may order the defendant to complete a less costly alternative set forth in the evaluation or a comparable program. Nothing contained in this subsection shall be construed as requiring a court to order that counseling or treatment be provided at government expense unless otherwise required by law.

(c) The supreme court shall by rule establish a uniform system for the qualification and approval of persons, agencies or organizations to perform the evaluations required in this subsection. Only qualified evaluators approved by the court shall be authorized to perform such evaluations. Funds to establish a system for approval of evaluators

shall be derived from moneys designated therefor and deposited in the district court fund as provided in section 31-3201A(16), Idaho Code.

(d) Counseling or treatment ordered pursuant to this section shall be conducted according to standards established or approved by the Idaho council on domestic violence and victim assistance.

SECTION 2. That Section 18-923, Idaho Code, be, and the same is hereby amended to read as follows:

18-923. ATTEMPTED STRANGULATION. (1) Any person who willfully and unlawfully chokes or attempts to strangle a household member, or a person with whom he or she has or had a dating relationship, is guilty of a felony punishable by incarceration for up to fifteen (15) years in the state prison.

(2) No injuries are required to prove attempted strangulation.

(3) The prosecution is not required to show that the defendant intended to kill or injure the victim. The only intent required is the intent to choke or attempt to strangle.

(4) "Household member" assumes the same definition as set forth in section 18-918(1)(a), Idaho Code.

(5) "Dating relationship" assumes the same definition as set forth in section 39-6303(2), Idaho Code.

(6) Any person who pleads guilty to or is found guilty of a violation of this section shall undergo an evaluation, counseling and other treatment as provided in section 18-918(7), Idaho Code.

(7) Notwithstanding any other provisions of this section, any person who previously has pled guilty to or been found guilty of a violation of the provisions of this section, a felony violation for domestic violence as provided in section 18-918, Idaho Code, or any substantially conforming foreign criminal felony violation, notwithstanding the form of the judgment or withheld judgment, and who, within fifteen (15) years, pleads guilty to or is found guilty of any further violation of this section shall be guilty of a felony and shall be punished by imprisonment in the state prison for a term not to exceed twenty (20) years or by a fine not to exceed ten thousand dollars (\$10,000), or by both such fine and imprisonment.

(8) The maximum penalties provided in this section shall be doubled where the act for which the person is convicted or pleads guilty took place in the presence of a child. For purposes of this section, "in the presence of a child" means in the physical presence of a child or knowing that a child is present and may see or hear an act of domestic assault or battery. For purposes of this section, "child" means a person under sixteen (16) years of age.

(9) For the purposes of this section, a substantially conforming foreign criminal violation exists when a person has pled guilty to or been found guilty of a violation of any federal law or law of another state, or any valid county, city, or town ordinance of another state that substantially conforms with the provisions of this section. The determination of whether a foreign criminal violation is substantially conforming is a question of law to be determined by the court.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved April 1, 2024

CHAPTER 262
(S.B. No. 1426)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISIONS OF CHILD WELFARE, SERVICES FOR THE DEVELOPMENTALLY DISABLED, AND SERVICE INTEGRATION FOR FISCAL YEAR 2025; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISIONS OF SERVICES FOR THE DEVELOPMENTALLY DISABLED AND SERVICE INTEGRATION FOR FISCAL YEAR 2025; REQUIRING A REPORT ON THE START CERTIFICATION PROGRAM; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISIONS OF CHILD WELFARE, SERVICES FOR THE DEVELOPMENTALLY DISABLED, AND SERVICE INTEGRATION FOR FISCAL YEAR 2024; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE PROGRAMS OF COMMUNITY DEVELOPMENTAL DISABILITY SERVICES AND SERVICE INTEGRATION FOR FISCAL YEAR 2024; AND DECLARING AN EMERGENCY AND PROVIDING EFFECTIVE DATES.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the Department of Health and Welfare the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2024, through June 30, 2025:

	FOR	FOR	FOR	FOR	
	PERSONNEL	OPERATING	CAPITAL	TRUSTEE AND	
	COSTS	EXPENDITURES	OUTLAY	BENEFIT	TOTAL
				PAYMENTS	
I. CHILD WELFARE:					
A. CHILD WELFARE:					
FROM:					
Cooperative Welfare (General)					
Fund	\$266,500				\$266,500
Cooperative Welfare (Federal)					
Fund	<u>541,300</u>	<u>\$73,500</u>			<u>614,800</u>
TOTAL	\$807,800	\$73,500			\$881,300
B. FOSTER & ASSISTANCE PAYMENTS:					
FROM:					
Cooperative Welfare (General)					
Fund				\$3,710,500	\$3,710,500
Cooperative Welfare (Federal)					
Fund				<u>1,683,800</u>	<u>1,683,800</u>
TOTAL				\$5,394,300	\$5,394,300
DIVISION TOTAL	\$807,800	\$73,500		\$5,394,300	\$6,275,600

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
II. SERVICES FOR THE DEVELOPMENTALLY DISABLED:					
A. COMMUNITY DEVELOPMENTAL DISABILITY SERVICES:					
FROM:					
Cooperative Welfare (General)					
Fund	\$162,900	\$992,000		\$437,100	\$1,592,000
Cooperative Welfare (Dedicated)					
Fund	1,500				1,500
Cooperative Welfare (Federal)					
Fund	<u>124,000</u>	<u>992,000</u>		<u>0</u>	<u>1,116,000</u>
TOTAL	\$288,400	\$1,984,000		\$437,100	\$2,709,500
B. SOUTHWEST IDAHO TREATMENT CENTER:					
FROM:					
Cooperative Welfare (General)					
Fund	\$1,555,900	\$268,500	\$60,000	\$2,100	\$1,886,500
Cooperative Welfare (Dedicated)					
Fund	1,600				1,600
Cooperative Welfare (Federal)					
Fund	<u>62,700</u>	<u>0</u>	<u>40,000</u>	<u>0</u>	<u>102,700</u>
TOTAL	\$1,620,200	\$268,500	\$100,000	\$2,100	\$1,990,800
C. EXTENDED EMPLOYMENT SERVICES:					
FROM:					
Cooperative Welfare (General)					
Fund	\$2,400				\$2,400
DIVISION TOTAL	\$1,911,000	\$2,252,500	\$100,000	\$439,200	\$4,702,700
III. SERVICE INTEGRATION:					
FROM:					
Cooperative Welfare (General)					
Fund	\$4,300				\$4,300
Cooperative Welfare (Federal)					
Fund	<u>39,300</u>				<u>39,300</u>
TOTAL	\$43,600				\$43,600
GRAND TOTAL	\$2,762,400	\$2,326,000	\$100,000	\$5,833,500	\$11,021,900

SECTION 2. Notwithstanding any other provision of law to the contrary, the appropriation made to the Department of Health and Welfare is hereby reduced by the following amounts for the designated programs and expense classes from the listed funds for the period July 1, 2024, through June 30, 2025:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. SERVICES FOR THE DEVELOPMENTALLY DISABLED:				
A. COMMUNITY DEVELOPMENTAL DISABILITY SERVICES:				
FROM:				
Cooperative Welfare (General)				
Fund	\$320,000			\$320,000
Cooperative Welfare (Federal)				
Fund	<u>0</u>		<u>\$37,100</u>	<u>37,100</u>
TOTAL	\$320,000		\$37,100	\$357,100
B. SOUTHWEST IDAHO TREATMENT CENTER:				
FROM:				
Cooperative Welfare (Federal)				
Fund	\$162,700	\$19,300	\$2,100	\$184,100
DIVISION TOTAL	\$482,700	\$19,300	\$39,200	\$541,200
II. SERVICE INTEGRATION:				
FROM:				
Cooperative Welfare (General)				
Fund	\$45,000			\$45,000
GRAND TOTAL	\$527,700	\$19,300	\$39,200	\$586,200

SECTION 3. REPORT ON START CERTIFICATION PROGRAM. The Department of Health and Welfare's Services for the Developmentally Disabled Division shall provide a report to the Legislative Services Office Division of Budget and Policy Analysis on the status of the START certification program. The format of the report and the type of information included therein shall be determined by the Legislative Services Office. The report shall be submitted no later than June 30, 2025.

SECTION 4. In addition to the appropriation made in Section 1, Chapter 145, Laws of 2023, and any other appropriation provided by law, there is hereby appropriated to the Department of Health and Welfare the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2023, through June 30, 2024:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. CHILD WELFARE:				
A. FOSTER & ASSISTANCE PAYMENTS:				
FROM:				
Cooperative Welfare (General)				
Fund			\$2,854,100	\$2,854,100
Cooperative Welfare (Federal)				
Fund			<u>2,290,200</u>	<u>2,290,200</u>
TOTAL			\$5,144,300	\$5,144,300
II. SERVICES FOR THE DEVELOPMENTALLY DISABLED:				
A. COMMUNITY DEVELOPMENTAL DISABILITY SERVICES:				
FROM:				
Cooperative Welfare (General)				
Fund		\$1,312,000	\$400,000	\$1,712,000
Cooperative Welfare (Federal)				
Fund		<u>992,000</u>	<u>0</u>	<u>992,000</u>
TOTAL		\$2,304,000	\$400,000	\$2,704,000
B. SOUTHWEST IDAHO TREATMENT CENTER:				
FROM:				
Cooperative Welfare (General)				
Fund	\$1,297,700			\$1,297,700
DIVISION TOTAL	\$1,297,700	\$2,304,000	\$400,000	\$4,001,700
III. SERVICE INTEGRATION:				
FROM:				
Cooperative Welfare (General)				
Fund		\$45,000		\$45,000
GRAND TOTAL	\$1,297,700	\$2,349,000	\$5,544,300	\$9,191,000

SECTION 5. Notwithstanding any other provision of law to the contrary, the appropriation made to the Department of Health and Welfare in Section 1, Chapter 145, Laws of 2023, is hereby reduced from the Cooperative Welfare (General) Fund for personnel costs according to the designated programs for the period July 1, 2023, through June 30, 2024:

FROM:		
Community Developmental Disabilities Services		\$320,000
Service Integration		<u>45,000</u>
TOTAL		\$365,000

SECTION 6. An emergency existing therefor, which emergency is hereby declared to exist, Sections 4 and 5 of this act shall be in full force and effect on and after passage and approval, and Sections 1 through 3 of this act shall be in full force and effect on and after July 1, 2024.

Approved April 1, 2024

CHAPTER 263
(H.B. No. 712, As Amended in the Senate)

AN ACT

RELATING TO ESTRAYS; AMENDING SECTION 25-2301, IDAHO CODE, TO REVISE PROVISIONS REGARDING STRAY OR ESTRAY LIVESTOCK; AMENDING SECTION 25-2302, IDAHO CODE, TO REVISE A TIME REQUIREMENT; AMENDING SECTION 25-2309, IDAHO CODE, TO REVISE PROVISIONS REGARDING CHARGES FOR CARE; AMENDING CHAPTER 23, TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 25-2313, IDAHO CODE, TO PROVIDE FOR CERTAIN PENALTIES AND DAMAGES FOR WILLFULLY AND WANTONLY ALLOWING ESTRAYS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 25-2301, Idaho Code, be, and the same is hereby amended to read as follows:

25-2301. STRAY OR ESTRAY DEFINED. Stray or estray means any livestock whose owner is unknown or cannot be located, or any livestock whose owner is known but who permits livestock to roam at large on public or private lands contrary to law or regulation and without permission. Nothing in this chapter shall be construed to impair or diminish any protections, privileges, or immunities established pursuant to section 25-2118, Idaho Code.

SECTION 2. That Section 25-2302, Idaho Code, be, and the same is hereby amended to read as follows:

25-2302. DUTY OF SHERIFF OR BRAND INSPECTOR. When a sheriff or brand inspector finds stray livestock or stray livestock are reported to him, he shall attempt to locate the owner and to notify the owner where the livestock may be found. If the owner refuses to, or does not take possession of the livestock within ~~five (5)~~ three (3) days after being notified of the location of the livestock, or if the owner is unknown or cannot be located, the sheriff or brand inspector shall seize the livestock or have some person hold and care for the livestock on behalf of the sheriff or brand inspector and the sheriff or brand inspector shall proceed to sell the livestock at a local public livestock market as provided for by law to the highest bidder for cash, after giving at least fifteen (15) days public notice of the sale.

SECTION 3. That Section 25-2309, Idaho Code, be, and the same is hereby amended to read as follows:

25-2309. CHARGES FOR CARE, ADVERTISING AND SALE. The sheriff, brand inspector, or person authorized by either of them to feed and care for stray livestock shall receive all actual expenses incurred; but food and care shall not be charged at a rate to exceed ~~two dollars (\$2.00)~~ five dollars (\$5.00) per head per day for cattle and horses nor more than ~~seventy-five cents (75¢)~~ two dollars (\$2.00) per head per day for other animals from the time that the sheriff or brand inspector ~~is notified that the livestock has been taken up as estray~~ has notified the livestock owner or individual

who has control over the livestock that the livestock have been taken up as estray. The sheriff or brand inspector or livestock market shall receive like costs for any time during which the livestock are in their possession. The sheriff or brand inspector may also charge and receive mileage and inspection fees for inspecting any estray livestock for the purpose of determining ownership of the livestock at the rates provided for by law or regulation. Also, standard fees shall be payable for sale by the livestock market and for health and brand inspection and assessments or taxes for sale of livestock as provided for by law.

SECTION 4. That Chapter 23, Title 25, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 25-2313, Idaho Code, and to read as follows:

25-2313. WILLFULLY AND WANTONLY ALLOWING ESTRAYS -- DAMAGE. (1) A person who willfully and wantonly allows livestock under his control to stray as defined in section 25-2301, Idaho Code, shall be: guilty of an infraction and subject to a fine of two hundred fifty dollars (\$250) for a first offense; guilty of an infraction and a fine of five hundred dollars (\$500) for a second offense within five (5) years of the first offense; and guilty of a misdemeanor and a fine of seven hundred fifty dollars (\$750) for a third or subsequent violation within five (5) years of the previous violation.

(2) A person willfully and wantonly allows livestock to stray if he refuses to take possession of the livestock within three (3) days after being notified by the sheriff or brand inspector as provided in section 25-2302, Idaho Code.

(3) If such stray livestock enter and cause damage to any cultivated land as defined in section 18-7008, Idaho Code, then the owner of the livestock may be charged at a rate not to exceed ten dollars (\$10.00) per head per day for cattle and horses or at a rate not to exceed four dollars (\$4.00) per head per day for other animals following notification from the sheriff or brand inspector to the individual who owns or controls the livestock. Such damages shall be payable to the damaged party.

(4) An individual found guilty pursuant to the provisions of section 18-7012, Idaho Code, if such action allows livestock to stray, shall be solely liable for all damage caused by the livestock while outside of their original enclosure in addition to damages provided by this section.

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

Approved April 1, 2024

CHAPTER 264
(S.B. No. 1247, As Amended)

AN ACT
RELATING TO HEALTH; AMENDING TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 19, TITLE 56, IDAHO CODE, TO PROVIDE LEGISLATIVE INTENT, TO PROVIDE FOR GOVERNMENTAL LIABILITY, TO DEFINE TERMS, TO ESTABLISH PROVISIONS REGARDING PROTECTIVE CUSTODY WITHOUT HEARINGS, TO ESTABLISH PROVISIONS REGARDING JUDICIAL PROCEDURE FOR PROTECTIVE CUSTODY UPON COURT ORDER, TO REQUIRE REPORTING OF INSTANCES OF EMERGENCY PROTECTIVE PLACEMENT, AND TO ESTABLISH PROVISIONS REGARDING RESPONSIBILITY FOR COSTS OF PROTECTIVE CUSTODY AND CARE OF PATIENTS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Title 56, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 19, Title 56, Idaho Code, and to read as follows:

CHAPTER 19
CRISIS RESPONSE FOR PERSONS WITH A NEUROCOGNITIVE DISORDER

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

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

56-1903. DEFINITIONS. As used in this chapter:

- (1) "Department" means the state department of health and welfare.
- (2) "Health care provider" means a person licensed, certified, or otherwise authorized by law to administer health care services in the ordinary course of business or practice of a profession, including a physician, physician assistant, and advanced practice registered nurse.
- (3) "Health care services" means services for the diagnosis, prevention, treatment, cure, or relief of a health condition, illness, injury, or disease.
- (4) "Hospital" means a medical hospital as defined in section 39-1301, Idaho Code, including freestanding emergency departments.
- (5) "Likely to injure themselves or others" means:
 - (a) A substantial risk that serious physical harm will be inflicted by the person upon their own person, as evidenced by threats of suicide or threats to inflict serious physical harm on themselves;
 - (b) A substantial risk that serious physical harm will be inflicted by the person upon another as evidenced by behavior that has caused such harm or that places another person or persons in reasonable fear of sustaining such harm; or
 - (c) The person lacks insight into the need for treatment and is unable or unwilling to comply with treatment based on the person's medical history, clinical observation, or other clinical evidence, and if the person does not receive and comply with treatment, there is a substantial risk that the person will continue to physically, emotionally, or cognitively deteriorate to the point that the person will, in the reasonably near future, inflict serious physical harm on themselves or another person.
- (6) "Neurocognitive disorder" has the same meaning as provided in section 66-317(13), Idaho Code, except that for purposes of this chapter neurocognitive disorder does not include decreased mental function due to inappropriate use or abuse of substances or medications.
- (7) "Peace officer" means an employee of a law enforcement agency that is a part of or administered by the state or any political subdivision of the state and whose duties include and primarily consist of the prevention and detection of crime and the enforcement of penal, traffic, or highway laws of the state or any political subdivision of the state. Peace officer also means an employee of a police or law enforcement agency of a federally recognized Indian tribe who has satisfactorily completed the peace officer stan-

dards and training academy and has been deputized by a sheriff of a county or a chief of police of a city of the state of Idaho.

(8) "Protective custody" means when a peace officer detains a person and takes such person to a hospital. The peace officer shall make every reasonable effort to protect the person's health and safety while the peace officer takes reasonable steps to protect the peace officer's safety. Protective custody under this section is not an arrest.

56-1904. PROTECTIVE CUSTODY WITHOUT HEARING. (1) No person shall be taken into protective custody or detained as an alleged emergency patient for observation, diagnosis, evaluation, care or treatment of a neurocognitive disorder unless and until the court has ordered such apprehension and custody pursuant to section 56-1905, Idaho Code; provided, however, that a person may be taken into custody by a peace officer and placed in a hospital, or the person may be detained at a hospital at which the person presented or was brought to receive medical care, if the peace officer or a health care provider in such hospital has reason to believe that person has a neurocognitive disorder and the person is likely to injure themselves or others; provided, under no circumstances shall the person be detained in a nonmedical unit used for the detention of persons charged with or convicted of penal offenses. Whenever a person is taken into custody or detained pursuant to this section without a court order, the evidence supporting the claim that the person with the neurocognitive disorder is likely to injure themselves or others must be presented to a duly authorized court within twenty-four (24) hours from the time the person was placed in custody or detained.

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

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

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

(5) If the health care provider in such hospital finds, in an examination pursuant to this section, that the person is likely to have a neurocognitive disorder and is likely to injure themselves or others, the prosecuting attorney shall file, within twenty-four (24) hours of the examination of the person, a petition with the court requesting the person's continued protective placement pending review proceedings pursuant to section 56-1905, Idaho Code.

(6) Upon the receipt of such a petition, the court shall order the person's detention to await hearing, which shall be within five (5) days, including Saturdays, Sundays, and legal holidays, of the protective placement order. If no petition is filed within twenty-four (24) hours of the examination described in subsection (5) of this section, the person shall be released from the protective placement.

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

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

56-1905. PROTECTIVE CUSTODY UPON COURT ORDER -- JUDICIAL PROCEDURE. (1) Proceedings by a hospital for the involuntary care and treatment of persons likely to have a neurocognitive disorder who are in acute crisis due to an underlying medical condition may be commenced by the filing of a written application for emergency protective placement with a court of competent jurisdiction by a friend, relative, spouse, or guardian of the person, by a health care provider practicing in a hospital, by a prosecuting attorney or other public official of a municipality, county, or the state of Idaho, or by the director of any facility in which such person may be located.

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

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

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

(5) If the health care provider practicing in such hospital certifies a belief that the person is likely to injure themselves or others due to a neurocognitive disorder, the judge shall issue an order authorizing any health officer, peace officer, or director of a facility to take the person to a hospital in the community in which the person is residing or to the nearest hospital to await the hearing, and for good cause, may authorize treatment during such period. Under no circumstances shall the person be detained in a nonmedical unit used for the detention of individuals charged with or convicted of penal offenses.

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

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

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

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

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

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

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

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

(13) If the person has no spouse or guardian and if the person has property that may not be cared for by the person while confined at a hospital, the court shall appoint a guardian ad litem for the purpose of preserving the person's estate, pending further guardianship or conservatorship proceedings.

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

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

(3) The hospital shall report:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(vi) More than ninety (90) days.

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

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

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

(b) "Routine medical care" includes care provided during the protective custody period that includes hospital costs, including routine board, room, and support services.

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

(2) In instances where the person placed in protective custody is released with no underlying medical conditions in addition to the person's neurocognitive disorder having been identified, costs associated with the protective custody shall be the responsibility of the person placed in protective custody, subject to the department of health and welfare's determination of the person's ability to pay all or any part of such costs. The department shall:

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

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

(c) Report its findings to the court.

(3) The court may order a person to pay costs consistent with this section.

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

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

(a) The department of health and welfare shall pay providers at the rate established by medicaid or its managed care organization. If, based on the department of health and welfare's determination under subsection (2) of this section, the person is able to pay a portion of the medical costs, the person shall reimburse the department consistent with the department's sliding fee schedule; or

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

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after October 1, 2024.

Approved April 2, 2024

CHAPTER 265
(H.B. No. 705)

AN ACT

RELATING TO THE OCCUPATIONAL LICENSING REFORM ACT; AMENDING CHAPTER 94, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-9416, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING UNIVERSAL OCCUPATIONAL LICENSURE RENEWAL REFORM; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 94, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-9416, Idaho Code, and to read as follows:

67-9416. UNIVERSAL OCCUPATIONAL LICENSURE RENEWAL REFORM. (1) A licensing authority shall establish procedures for the efficient renewal of licenses to licensed professionals in good standing to practice in Idaho. Such procedures shall include the following renewal conditions, if continuing education is required by a licensing authority as a condition of licensure renewal:

(a) The required number of annual hours of continuing education shall not exceed the average annual hours of continuing education required of the same licensed professionals in contiguous states; and

(b) Flexibility shall be provided to licensed professionals in terms of the courses, providers, and formats that qualify for continuing education credit.

(2) The provisions of subsection (1) of this section shall not apply if the Idaho licensing authority reports evidence that compels a more stringent requirement for Idaho-licensed professionals relative to the same licensed professionals in other jurisdictions.

(3) Licensed professionals who reside outside the state of Idaho shall not be required to comply with Idaho continuing education requirements if:

(a) The licensed professional's primary residence on file with the licensing authority is outside the state of Idaho;

(b) The licensed professional holds an equivalent license in their primary state of residence;

(c) The primary state of residence requires mandatory continuing education for the same profession; and

(d) The licensed professional has met the mandatory continuing education requirements of their primary state of residence and is able to prove such continuing education compliance upon request of the licensing authority.

(4) Notwithstanding the provisions of subsection (3) of this section, any licensed professional residing outside the state of Idaho shall comply with any continuing education requirement that provides for a licensee to maintain familiarity with Idaho-specific practices or laws relevant to a licensee's profession, provided that such requirement is in effect before July 1, 2024.

(5) A licensing authority shall grant waivers or partial waivers for continuing education requirements for such time that military service members are serving on active duty.

(6) Licensing authorities may approve relevant education, training, or service towards continuing education requirements.

(7) Licensing authorities shall seek education-based alternatives to formal discipline for first time offenses related to continuing education

noncompliance, such as requiring two (2) continuing education hours for every hour a licensed professional failed to complete continuing education.

(8) A licensing authority shall seek to minimize the burden of audits on licensed professionals. Accordingly, a licensing authority shall seek information from continuing education providers and monitoring services, to the extent that such information is available, before requesting such information from a licensed professional. A licensing authority shall seek the minimum information that is necessary to determine compliance.

(9) No provision in this section shall apply to a licensed profession that has entered into a licensing compact under Idaho Code if the requirements of the licensing compact would conflict with such provision.

(10) A licensing authority shall review its administrative rules and eliminate or modify any continuing education provisions in conflict with this section.

(11) A licensing authority shall comply with the provisions of this section no later than July 1, 2025.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved April 2, 2024

CHAPTER 266
(S.B. No. 1226)

AN ACT

RELATING TO SPACE FORCE; AMENDING SECTION 49-102, IDAHO CODE, TO REVISE A DEFINITION, TO PROVIDE A CORRECT CODE REFERENCE, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 49-415D, IDAHO CODE, TO PROVIDE FOR THE SPACE FORCE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 65-502, IDAHO CODE, TO REVISE A DEFINITION; AMENDING SECTION 67-9403, IDAHO CODE, TO REVISE A DEFINITION AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 49-102, Idaho Code, be, and the same is hereby amended to read as follows:

49-102. DEFINITIONS -- A. (1) "Abandon" means to leave a vehicle on private property without the permission of the person having rights to the possession of the property, or on a highway or other property open to the public for the purposes of vehicular traffic or parking, or upon or within the right-of-way of any highway, for twenty-four (24) hours or longer.

(2) "Abandoned vehicle" means any vehicle observed by an authorized officer or reported by a member of the public to have been left within the limits of any highway or upon the property of another without the consent of the property owner for a period of twenty-four (24) hours or longer, except that a vehicle shall not be considered abandoned if its owner-operator is unable to remove it from the place where it is located and has notified a law enforcement agency and requested assistance.

(3) "Accident" means any event that results in an unintended injury or property damage attributable directly or indirectly to the motion of a motor vehicle or its load, a snowmobile or special mobile equipment.

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

(5) "Administrator" means the federal highway administrator, the chief executive of the federal highway administration, an agency within the U.S. department of transportation.

(6) "Age of a motor vehicle" means the age determined by subtracting the manufacturer's year designation of the vehicle from the year in which the designated registration fee is paid. If the vehicle has the same manufacturer's year designation as the year in which the fee is paid, or if a vehicle has a manufacturer's year designation later than the year in which the fee is paid, the vehicle shall be deemed to be one (1) year old.

(7) "Agricultural products" means the following unprocessed products:

(a) Agricultural, horticultural, floricultural and viticultural products;

(b) Fruits and vegetable products;

(c) Field grains, seeds, hay, sod and nursery stock, and other plants, plant products, ~~plant byproducts~~ by-products, plant waste and plant compost;

(d) Livestock, dairy animals, swine, furbearing animals, poultry, eggs, fish and other aquatic species;

(e) Other animals, animal products and animal ~~byproducts~~ by-products, animal waste and animal compost; and

(f) Bees, bee products and bee ~~byproducts~~ by-products.

(8) "Air-conditioning equipment" means mechanical vapor compression refrigeration equipment ~~which that~~ is used to cool the driver's or ~~passenger~~ passenger's compartment of any motor vehicle.

(9) "Alcohol" or "alcoholic beverage" means:

(a) Beer as defined in 26 U.S.C. ~~section~~ 5052(a), of the Internal Revenue Code;

(b) Wine of not less than one-half of ~~one a~~ percent ~~(.005%)~~ (0.5%) of alcohol by volume; or

(c) Distilled spirits as defined in ~~section~~ 26 U.S.C. 5002(a)(8), of the Internal Revenue Code.

(10) "Alley" means a public way of limited use intended only to provide access to the rear or side of lots or buildings in urban districts.

(11) "All-terrain vehicle" or "ATV" means an all-terrain vehicle or ATV as defined in section 67-7101, Idaho Code.

(12) "Amateur radio operator." (See "Radio operator, amateur," section 49-119, Idaho Code)

(13) "Ambulance" means a motor vehicle designed and used primarily for the transportation of injured, sick, or deceased persons, on stretchers, cots, beds, or other devices for carrying persons in a prone position.

(14) "Applicant" means an individual who applies to obtain, transfer, upgrade, or renew a driver's license.

(15) "Approved driver training course" means a training course from a school licensed under the provisions of ~~chapter 21 of this title 54, title 54, Idaho Code,~~ or a driver training course approved by another United States jurisdiction, provided the course was taken while an individual was a resident of that United States jurisdiction.

(16) "Approved testing agency" means a person, firm, association, partnership or corporation approved by the director of the Idaho state police ~~which that~~ is:

(a) In the business of testing equipment and systems;

(b) Recognized by the director as being qualified and equipped to do experimental testing; and

(c) Not under the jurisdiction or control of any single manufacturer or supplier for an affected industry.

(17) "Armed forces" means the army, navy, marine corps, coast guard, space force, and the air force of the United States.

(18) "Authorized emergency vehicle." (See "Vehicle," section 49-123, Idaho Code)

(19) "Authorized officer" means any member of the Idaho state police, or any regularly employed and salaried deputy sheriff, or other county employee designated to perform the function of removing abandoned vehicles or junk vehicles by the board of county commissioners of the county in which a vehicle is located, or any regularly employed and salaried city peace officer or other city employee designated to perform the function of removing abandoned vehicles or junk vehicles by the city council, or a qualified person deputized or appointed by the proper authority as reserve deputy sheriff or city policeman, authorized within the jurisdiction in which the abandoned vehicle or junk vehicle is located.

(20) "Authorized transportation department employee" means any employee appointed by the board to perform duties relating to enforcement of vehicle laws as have been specifically defined and approved by order of the board (see pursuant to section 40-510, Idaho Code).

(21) "Auto transporter" means a vehicle combination constructed for the purpose of transporting vehicles.

(22) "Autocycle" means a motor vehicle designed to travel on not more than three (3) wheels in contact with the ground and that has a steering wheel and seating that does not require the operator to straddle or sit astride.

SECTION 2. That Section 49-415D, Idaho Code, be, and the same is hereby amended to read as follows:

49-415D. SUPPORT OUR TROOPS PLATES. (1) On and after January 1, 2008, any person who is the owner of a vehicle registered under the provisions of section 49-402, Idaho Code, or registered under any other section of law for which the purchase of special plates is allowed, may apply for and, upon department approval, receive support our troops license plates in lieu of regular license plates. The provisions of this section shall not apply to any vehicle with a registered maximum gross weight over twenty-six thousand (26,000) pounds. Availability of support our troops license plates for other vehicles shall be subject to the rules, policies and procedures of the department.

(2) In addition to the regular registration fee required in chapter 4, title 49, Idaho Code, the applicant shall be charged a fee of thirty-five dollars (\$35.00) for the initial issuance of plates, and twenty-five dollars (\$25.00) upon each succeeding annual registration. Ten dollars (\$10.00) of the initial fee and ten dollars (\$10.00) of the renewal fee shall be deposited in the state highway account and shall be used to fund the cost of administration of this special license plate program. Twenty-five dollars (\$25.00) of each initial fee and fifteen dollars (\$15.00) of each renewal fee shall be transferred by the state treasurer for deposit to the Idaho support our troops, inc.'s principal office located in Boise, Idaho, and shall be used by the Idaho support our troops, inc. as administrator of the funds, to provide support and assistance to the children, dependents and spouses of military service members and armed forces members of the army, navy, air force, marine corps, national guard, space force, coast guard and air national guard and reserves.

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

(4) The support our troops license plate shall be of a color and design in accordance with the provisions of section 49-402C, Idaho Code. The design and any slogan on the plate shall be acceptable to the board of directors of the Idaho support our troops, inc. and shall be approved by the Idaho

transportation department utilizing a numbering system as determined by the department. Initial costs of the plate program, including costs of plate design, shall be paid by the Idaho support our troops, inc.

(5) Sample support our troops license plates may be purchased for a fee of thirty dollars (\$30.00), ten dollars (\$10.00) of which shall be deposited in the state highway account and twenty dollars (\$20.00) of which shall be transferred to the Idaho support our troops, inc.'s principal office located in Boise, Idaho, and shall be used to provide support and assistance to the children, dependents and spouses of military service members and armed forces members of the army, navy, air force, marine corps, national guard, space force, coast guard and air national guard and reserves.

SECTION 3. That Section 65-502, Idaho Code, be, and the same is hereby amended to read as follows:

65-502. DEFINITIONS. As used in this chapter:

(1) "Applicant" means an individual applying for a position with a public employer.

(2) "Armed forces" means the army, navy, marine corps, coast guard, space force, air force, and the reserve components thereof.

(3) "Civil service position" means a position for which the public employee is selected from a pool of applicants through a competitive examination, a merit system or any other rating system based on experience and qualifications.

(4) "Disabled veteran" means those veterans separated under honorable conditions who:

(a) Qualify as disabled veterans because they have served on active duty in the armed forces and have a current service-connected disability of ten percent (10%) or more or are receiving compensation related to a service-connected disability including retirement benefits or pension from the military or the department of veterans affairs; or

(b) Are purple heart recipients.

(5) "Honorable conditions" means an honorable discharge or a general discharge "under honorable conditions."

(6) "Initial appointment" means the first time a qualified veteran is hired by a county or a municipal government or the state, provided however, subsequent separation from the county, municipal government or the state shall not result in the award of new preference or preference points with that governmental entity. "Initial appointment" shall not include:

(a) Jobs held by patients, inmates or students in or enrolled at a state institution;

(b) Temporary or casual employment; or

(c) An office filled by election.

(7) "Key employee" means an individual specifically hired for an "at will" position that is not a civil service position and where:

(a) The position requires an advanced degree and the exercise of independent judgment for a majority of the public employee's duties;

(b) The primary duty of the position is the management of a department or subdivision of the public employer and the position requires the exercise of independent judgment for a majority of position duties;

(c) The primary duty of the position is administrative work arising from the management of a department or subdivision of the public employer or administrative work arising from the exercise of the duties of an elected official and the public employee holds a confidential relationship to the appointing or employing officer or elected official; or

(d) The primary duty of the position is to provide advice or consultation to an elected official and the public employee holds a confidential relationship to the elected official.

(8) "Military duty" means training and service performed by an inductee, enlistee or reservist or any entrant into a component of the armed forces of the United States, provided "military duty" shall not include active duty training as a reservist in the armed forces of the United States or as a member of the national guard of the United States where the call is for training only.

(9) "Position" means a job held by a public employee but shall not include:

(a) A job held by a patient, inmate or student in or enrolled at a state institution;

(b) Temporary or casual employment; or

(c) An office filled by election.

(10) "Preference eligible" means an individual eligible for preference under section 65-503, Idaho Code.

(11) "Public employee" means any person holding a position in public employment.

(12) "Public employer" means any government, department or agency mentioned in subsection (13) of this section employing a public employee in a position.

(13) "Public employment" means employment by the government of this state, or by any county, municipality or other political subdivision of the state, including any department or agency thereof.

(14) "Register" means a list of names of persons who have been determined to be eligible for employment in a civil service position.

(15) "Service-connected disability" means that the veteran is disabled due to injury or illness that was incurred in or aggravated by military service as certified by the federal veterans administration or an agency of the department of defense.

(16) "Temporary or casual employment" means employment for a brief, nonrecurrent period where there is no reasonable expectation that such employment will continue indefinitely or for a significant period of time.

SECTION 4. That Section 67-9403, Idaho Code, be, and the same is hereby amended to read as follows:

67-9403. DEFINITIONS. As used in this chapter:

(1) "Honorable conditions" means an honorable discharge or a general discharge "under honorable conditions."

(2) "Licensing authority" means any agency, bureau, commission, department, division, or professional or occupational licensing board charged with granting, suspending, or revoking the license, certificate, registration, permit, or other authorization of any person to practice a profession or occupation, including but not limited to the professional and occupational licensing boards within the department of self-governing agencies. The term licensing authority does not include the board of commissioners of the Idaho state bar as established pursuant to chapter 4, title 3, Idaho Code, or the Idaho supreme court.

(3) "Licensure" means a license, certificate, registration, permit, or other authorization of any person to practice a profession or occupation.

(4) "Military" means the armed forces or reserves of the United States, including the army, navy, marine corps, coast guard, space force, air force, and the reserve components thereof, the national guard of any state, the military reserves of any state, or the naval militia of any state.

(5) "Veteran" means any person who has been discharged or released from active duty in the armed forces under honorable conditions, provided the person has served on active duty for a minimum of one hundred eighty (180) consecutive days.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved April 2, 2024

CHAPTER 267
(S.B. No. 1313)

AN ACT

RELATING TO THE IDAHO COUNCIL ON INDIAN AFFAIRS; AMENDING SECTION 67-4005, IDAHO CODE, TO PROVIDE FOR THE ELECTION OF COCHAIRS AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 67-4005, Idaho Code, be, and the same is hereby amended to read as follows:

67-4005. ORGANIZATION OF COUNCIL. The council shall meet twice a year and may be called for special meetings from time to time by a majority of the council members. The council shall elect ~~a chairperson and a vice chairperson and other officers from its members.~~ two (2) cochairs. One (1) cochair shall be a legislative member and one (1) cochair shall be a tribal member. Six (6) members constitute a quorum. The members of the council appointed by the governor shall be compensated as provided in section 59-509(h), Idaho Code. Legislative members of the council shall be compensated as provided by the citizens' committee for legislative compensation for interim legislative meetings, which compensation shall be paid from the legislative account.

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

Approved April 3, 2024

CHAPTER 268
(S.B. No. 1376, As Amended)

AN ACT

RELATING TO PUBLIC OFFICIALS; AMENDING SECTION 74-604, IDAHO CODE, TO PROVIDE AN EXCEPTION FOR CERTAIN PUBLIC OFFICIALS FOR THE USE OF PUBLIC PROPERTY OR RESOURCES WHILE ADVOCATING FOR OR AGAINST AN INITIATIVE OR REFERENDUM AND TO PROVIDE CONDITIONS; AMENDING SECTION 74-605, IDAHO CODE, TO REVISE A PROVISION REGARDING CAMPAIGNING OR ADVOCACY FOR OR AGAINST AN INITIATIVE OR REFERENDUM, TO PROVIDE THAT USE OF PUBLIC PROPERTY AND RESOURCES BY CERTAIN PUBLIC OFFICIALS ADVOCATING FOR OR AGAINST AN INITIATIVE OR REFERENDUM SHALL NOT BE PROHIBITED, AND TO PROVIDE CONDITIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 74-604, Idaho Code, be, and the same is hereby amended to read as follows:

74-604. PUBLIC FUNDS PROHIBITED. Unless specifically required by law, and except as provided in this chapter:

(1) Neither a public entity nor its employees shall make, nor shall a public official make or authorize, an expenditure from public funds to advocate for or against a candidate or a ballot measure.

(2) Neither a public entity nor any of its employees shall use, nor shall a public official authorize or use, public property or resources to advocate for or against a candidate or a ballot measure. There shall be an exception to the provisions of this subsection for any elected and currently serving Idaho legislator personally making use of public property or resources for the sole purpose of advocating for or against an initiative or referendum. This exemption shall apply only to the legislator's use of public property or resources for communication with the public using electronic or traditional physical correspondence or the use of any portion of any media initially produced using public property or resources from recordings of the legislature or any legislative committees. This exception shall not apply to any travel-related expenses or any advocacy for or against a candidate.

(3) Neither a public entity nor any of its employees shall provide or offer to provide, nor shall a public official provide or offer to provide, college extra credit to a student of a state institution of higher learning either:

(a) To encourage a student to vote or not vote; or

(b) To influence a student's vote for or against a candidate or ballot measure.

SECTION 2. That Section 74-605, Idaho Code, be, and the same is hereby amended to read as follows:

74-605. EXCLUSIONS. Nothing in this chapter shall prohibit:

(1) A public official or employee from speaking, campaigning, contributing personal money or otherwise exercising the public official's or employee's individual first amendment rights for political purposes, provided no public funds are used for expenditures supporting the public official or employee in such activity;

(2) A public entity, public official or employee from the neutral encouragement of voters to vote;

(3) An elected official or employee from personally campaigning or advocating for or against a ballot measure, provided no public funds, property or resources are used for supporting the elected official or employee in such activity except as provided in subsection (4) of this section;

(4) An elected and currently serving Idaho legislator personally making use of public property or resources for the sole purpose of advocating for or against an initiative or referendum, provided the use shall only apply to the legislator's use of public property or resources for communication with the public using electronic or traditional physical correspondence or the use of any portion of any media initially produced using public property or resources from recordings of the legislature or any legislative committees, and provided the use does not apply to any travel-related expenses or any advocacy for or against a candidate;

~~(4)~~ (5) A public entity from preparing and distributing to electors an objective statement explaining the purpose and effect of the ballot measure, including in the case of bond or levy elections the cost per taxpayer or taxable value, or similar information based on reasonable estimates prepared in good faith;

~~(5)~~ (6) The formulation and publication of statements regarding proposed amendments to the state constitution, as authorized by section 67-453, Idaho Code;

~~(6)~~ (7) The publication of information described in sections 34-913, 34-914, and 34-1406, Idaho Code, as applicable, or other provisions of law requiring notices and disclosures in connection with elections and ballot measures; or

~~(7)~~ (8) A balanced student classroom discussion or debate of current or pending election issues.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved April 3, 2024

CHAPTER 269
(S.B. No. 1327)

AN ACT

RELATING TO UNLAWFUL DETAINER; AMENDING CHAPTER 3, TITLE 6, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 6-303A, IDAHO CODE, TO PROVIDE FOR THE SHIELDING OF CERTAIN RECORDS REGARDING UNLAWFUL DETAINER; AMENDING SECTION 74-105, IDAHO CODE, AS AMENDED BY SECTION 2, CHAPTER 108, LAWS OF 2023, SECTION 30, CHAPTER 218, LAWS OF 2023, AND SECTION 39, CHAPTER 220, LAWS OF 2023, TO PROVIDE THAT CERTAIN RECORDS SHALL BE EXEMPT FROM DISCLOSURE AND TO REMOVE SURPLUS VERBIAGE; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 3, Title 6, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 6-303A, Idaho Code, and to read as follows:

6-303A. RECORDS SHIELDED FROM DISCLOSURE. (1) A person who is the defendant in an unlawful detainer case under section 6-303, Idaho Code, and whose case is filed on or after January 1, 2025, will, without the filing of a petition, have shielded from public disclosure all records of the unlawful detainer if:

- (a) The entire case was dismissed;
- (b) There is no appeal pending for the case; and
- (c) At least three (3) years have passed from the day on which the eviction was filed or the parties stipulated to shielding and have filed the stipulation with the court.

(2) Shielding shall protect against the disclosure of unlawful detainer records and make them unavailable for public viewing.

(3) The procedures set forth in this section, including the specific processes established that affect access to court records, are subject to the rules of the Idaho supreme court and the capabilities of its record-keeping system.

(4) Nothing in this section shall be construed to limit court staff from accessing any records or databases created or maintained by the courts. Records shielded from public disclosure pursuant to this section may be accessed at any time by the parties involved in the case.

(5) Any party may petition for the sealing of eviction records pursuant to Idaho supreme court administrative rules.

SECTION 2. That Section 74-105, Idaho Code, as amended by Section 2, Chapter 108, Laws of 2023, Section 30, Chapter 218, Laws of 2023, and Section 39, Chapter 220, Laws of 2023, be, and the same is hereby amended to read as follows:

74-105. RECORDS EXEMPT FROM DISCLOSURE -- LAW ENFORCEMENT RECORDS, INVESTIGATORY RECORDS OF AGENCIES, EVACUATION AND EMERGENCY RESPONSE PLANS, WORKER'S COMPENSATION. The following records are exempt from disclosure:

(1) Investigatory records of a law enforcement agency as defined in section 74-101(7), Idaho Code, under the conditions set forth in section 74-124, Idaho Code.

(2) Juvenile records of a person maintained pursuant to chapter 5, title 20, Idaho Code, except that facts contained in such records shall be furnished upon request in a manner determined by the court to persons and governmental and private agencies and institutions conducting pertinent research studies or having a legitimate interest in the protection, welfare and treatment of the juvenile who is thirteen (13) years of age or younger. If the juvenile is petitioned or charged with an offense that would be a criminal offense if committed by an adult, the name, offense of which the juvenile was petitioned or charged, and disposition of the court shall be subject to disclosure as provided in section 20-525, Idaho Code. Additionally, facts contained in any records of a juvenile maintained pursuant to chapter 5, title 20, Idaho Code, shall be furnished upon request to any school district where the juvenile is enrolled or is seeking enrollment.

(3) Records of the custody review board of the Idaho department of juvenile corrections, including records containing the names, addresses and written statements of victims and family members of juveniles, shall be exempt from public disclosure pursuant to section 20-533A, Idaho Code.

(4) (a) The following records of the department of correction:

(i) Records of which the public interest in confidentiality, public safety, security and habilitation clearly outweighs the public interest in disclosure as identified pursuant to the authority of the state board of correction under section 20-212, Idaho Code;

(ii) Records that contain any identifying information or any information that would lead to the identification of any victims or witnesses;

(iii) Records that reflect future transportation or movement of a prisoner;

(iv) Records gathered during the course of the presentence investigation; and

(v) Records of a prisoner as defined in section 74-101(10), Idaho Code, or probationer shall not be disclosed to any other prisoner or probationer.

(b) Records, other than public expenditure records, related to proposed or existing critical infrastructure held by or in the custody of any public agency only when the disclosure of such information is reasonably likely to jeopardize the safety of persons, property or the public safety. Such records may include emergency evacuation, escape or other emergency response plans, vulnerability assessments, operation and security manuals, plans, blueprints or security codes. For purposes of this paragraph, "system" includes electrical, computer and telecommunications systems, electric power (including production, generating, transportation, transmission and distribution), and heating, ventilation, and air conditioning. For purposes of this subsection, "critical infrastructure" means any system or asset, whether physical or virtual, so vital to the state of Idaho, including its political subdivisions, that the incapacity or destruction of such system or asset would have a debilitating impact on state or national

economic security, state or national public health or safety, or any combination of those matters.

(c) Records of the Idaho commission of pardons and parole shall be exempt from public disclosure pursuant to sections 20-1003 and 20-1005, Idaho Code. Records exempt from disclosure shall also include those containing the names, addresses and written statements of victims.

(5) Voting records of the former sexual offender classification board. The written record of the vote to classify an offender as a violent sexual predator by each board member in each case reviewed by that board member shall be exempt from disclosure to the public and shall be made available upon request only to the governor, the chairman of the senate judiciary and rules committee, and the chairman of the house of representatives judiciary, rules and administration committee for all lawful purposes.

(6) Records of the sheriff or Idaho state police received or maintained pursuant to sections 18-3302, 18-3302H and 18-3302K, Idaho Code, relating to an applicant or licensee, except that any law enforcement officer and law enforcement agency, whether inside or outside the state of Idaho, may access information maintained in the license record system as set forth in section 18-3302K(16), Idaho Code.

(7) Records of investigations prepared by the department of health and welfare pursuant to its statutory responsibilities dealing with the protection of children, the rehabilitation of youth, adoptions and the commitment of mentally ill persons. For reasons of health and safety, best interests of the child or public interest, the department of health and welfare may provide for the disclosure of records of investigations associated with actions pursuant to the provisions of chapter 16, title 16, Idaho Code, prepared by the department of health and welfare pursuant to its statutory responsibilities dealing with the protection of children, except any such records regarding adoptions shall remain exempt from disclosure.

(8) Records, including but not limited to investigative reports, resulting from investigations conducted into complaints of discrimination made to the Idaho human rights commission, unless the public interest in allowing inspection and copying of such records outweighs the legitimate public or private interest in maintaining confidentiality of such records. A person may inspect and copy documents from an investigative file to which he or she is a named party if such documents are not otherwise prohibited from disclosure by federal law or regulation or state law. The confidentiality of this subsection will no longer apply to any record used in any judicial proceeding brought by a named party to the complaint or investigation, or by the Idaho human rights commission, relating to the complaint of discrimination.

(9) Records containing information obtained by the manager of the Idaho state insurance fund pursuant to chapter 9, title 72, Idaho Code, from or on behalf of employers or employees contained in underwriting and claims for benefits files.

(10) The worker's compensation records of the Idaho industrial commission, provided that the industrial commission shall make such records available:

(a) To the parties in any worker's compensation claim and to the industrial special indemnity fund of the state of Idaho; or

(b) To employers and prospective employers subject to the provisions of the Americans with disabilities act, 42 U.S.C. 12112, or other statutory limitations, who certify that the information is being requested with respect to a worker to whom the employer has extended an offer of employment and will be used in accordance with the provisions of the Americans with disabilities act, 42 U.S.C. 12112, or other statutory limitations; or

(c) To employers and prospective employers not subject to the provisions of the Americans with disabilities act, 42 U.S.C. 12112, or other

statutory limitations, provided the employer presents a written authorization from the person to whom the records pertain; or

(d) To others who demonstrate that the public interest in allowing inspection and copying of such records outweighs the public or private interest in maintaining the confidentiality of such records, as determined by a civil court of competent jurisdiction; or

(e) Although a claimant's records maintained by the industrial commission, including medical and rehabilitation records, are otherwise exempt from public disclosure, the quoting or discussing of medical or rehabilitation records contained in the industrial commission's records during a hearing for compensation or in a written decision issued by the industrial commission shall be permitted; provided further, the true identification of the parties shall not be exempt from public disclosure in any written decision issued and released to the public by the industrial commission.

(11) Records of investigations compiled by the commission on aging involving vulnerable adults as defined in section 18-1505, Idaho Code, alleged to be abused, neglected or exploited.

(12) Criminal history records and fingerprints as defined in section 67-3001, Idaho Code, and compiled by the Idaho state police. Such records shall be released only in accordance with chapter 30, title 67, Idaho Code.

(13) Records furnished or obtained pursuant to section 41-1019, Idaho Code, regarding termination of an appointment, employment, contract or other insurance business relationship between an insurer and a producer.

(14) Records of a prisoner or former prisoner in the custody of any state or local correctional facility, when the request is made by another prisoner in the custody of any state or local correctional facility.

(15) Except as provided in section 72-1007, Idaho Code, records of the Idaho industrial commission relating to compensation for crime victims pursuant to chapter 10, title 72, Idaho Code.

(16) Records or information identifying a complainant maintained by the department of health and welfare pursuant to section 39-3556, Idaho Code, relating to certified family homes, unless the complainant consents in writing to the disclosure or the disclosure of the complainant's identity is required in any administrative or judicial proceeding.

(17) Records of any certification or notification required by federal law to be made in connection with the acquisition or transfer of a firearm, including a firearm as defined in 26 U.S.C. 5845(a).

(18) Records of the office of the state public defender and the office of the state appellate public defender containing information protected or exempted from disclosure under the rules adopted by the Idaho supreme court, attorney work product, attorney-client privileged communication, records containing confidential information from an individual about his criminal case or performance of his attorney, or confidential information about an inquiry into an attorney's fitness to represent indigent defendants. en

(19) Records and information received by the office of the state controller from any local government, state agency and department, or volunteer nongovernmental entity for purposes of entry into the criminal justice integrated data system pursuant to section 19-4803, Idaho Code, and all records created by persons authorized to research and analyze information entered into the criminal justice integrated data system, regardless of whether such records were previously exempted from disclosure or redacted pursuant to state or federal law or court order. This exemption does not apply to projects, reports, and data analyses approved for release by the data oversight council and issued by persons authorized to conduct research and analysis as set forth in chapter 48, title 19, Idaho Code. Records and information relating to the management of the criminal justice integrated data system shall not be exempt from disclosure except as otherwise provided in law.

(20) Records that contain any identifying information or any information that could lead to the identification of any persons or entities that participate in or assist with an execution of a death sentence as described in section 19-2716A, Idaho Code.

(21) Records, other than public expenditure records, relating to the nature, location, or function of cybersecurity devices, programs, or systems designed to protect computer, information technology, or communications systems against terrorist or other attacks.

(22) Any index, report, or records of any person arrested for, prosecuted for, or convicted of a crime in this state who has successfully petitioned a court to have his records shielded from disclosure pursuant to section 67-3004(11), Idaho Code.

(23) Any record of an unlawful detainer under section 6-303, Idaho Code, if shielded by the court pursuant to section 6-303A, Idaho Code.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved April 3, 2024

CHAPTER 270
(S.B. No. 1367)

AN ACT

RELATING TO PUBLIC DEFENSE; AMENDING SECTION 16-1614, IDAHO CODE, TO REVISE A PROVISION REGARDING COUNSEL APPOINTED FOR A CHILD AND TO ESTABLISH PROVISIONS REGARDING COUNSEL FOR A GUARDIAN AD LITEM; AMENDING SECTION 19-5905, IDAHO CODE, TO REVISE A PROVISION REGARDING REPRESENTATION BY THE STATE APPELLATE PUBLIC DEFENDER AND TO REMOVE A PROVISION REGARDING SERVICES OF THE STATE APPELLATE PUBLIC DEFENDER AVAILABLE TO COUNTIES; AMENDING SECTION 19-6005, IDAHO CODE, AS ENACTED BY SECTION 1, CHAPTER 220, LAWS OF 2023, TO PROVIDE FOR A POWER AND DUTY OF THE STATE PUBLIC DEFENDER AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 19-852, IDAHO CODE, AS AMENDED BY SECTION 5, CHAPTER 220, LAWS OF 2023, TO PROVIDE FOR CASES WHERE AN ATTORNEY SHALL PROVIDE REPRESENTATION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 60, TITLE 19, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 19-6020, IDAHO CODE, TO PROVIDE FOR THE APPOINTMENT OF ADDITIONAL COUNSEL AND PRO BONO PROGRAMS; AMENDING CHAPTER 8, TITLE 57, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 57-828, IDAHO CODE, TO ESTABLISH THE ATTORNEY COSTS FOR GUARDIAN AD LITEM ACCOUNT; AMENDING SECTION 67-5303, IDAHO CODE, TO REVISE A PROVISION REGARDING NONCLASSIFIED EMPLOYEES; AND DECLARING AN EMERGENCY AND PROVIDING EFFECTIVE DATES.

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

SECTION 1. That Section 16-1614, Idaho Code, be, and the same is hereby amended to read as follows:

16-1614. APPOINTMENT OF GUARDIAN AD LITEM, COUNSEL FOR GUARDIAN AD LITEM, COUNSEL FOR CHILD. (1) In any proceeding under this chapter for a child under the age of twelve (12) years, the court shall appoint a guardian ad litem for the child or children and shall appoint counsel to represent the guardian ad litem, unless the guardian ad litem is already represented by counsel. If a court does not have available to it a guardian ad litem program or a sufficient number of guardians ad litem, the court shall appoint counsel

for the child. In appropriate cases, the court may appoint a guardian ad litem for the child and counsel to represent the guardian ad litem and may, in addition, appoint counsel to represent the child.

(2) In any proceeding under this chapter for a child twelve (12) years of age or older, the court:

(a) Shall appoint counsel to represent the child and may, in addition, appoint a guardian ad litem; or

(b) Where appointment of counsel is not practicable or not appropriate, may appoint a guardian ad litem for the child and shall appoint counsel to represent the guardian ad litem, unless the guardian ad litem is already represented by counsel.

(3) Counsel appointed for the child under the provisions of this section shall be paid for by the county office of the state public defender unless the party for whom counsel is appointed has an independent estate sufficient to pay such costs.

(4) (a) The legislature finds that guardian ad litem representation has been addressed differently throughout the state, with some counties providing representation through their public defense office or public defense contracts, or in other areas of the state with pro bono representation. The legislature finds that providing guardian ad litem representation through the office of the state public defender would create numerous costly conflicts of interest that would detract from the office's mission. Therefore, it is the intent of the legislature to keep guardian ad litem representation administered locally with reimbursement provided by state funds when needed. It is not the intent of the legislature to disrupt, terminate, or otherwise inhibit any pro bono programs that now exist or may hereinafter be created to provide counsel for guardians ad litem.

(b) Counsel appointed for a guardian ad litem shall first come from volunteer attorneys willing to represent the guardian ad litem pro bono unless the party for whom counsel is appointed has an independent estate sufficient to pay such costs. Absent available volunteer pro bono counsel, attorneys for the guardian ad litem shall be paid by the county, and the county shall be reimbursed for the actual, verified costs of guardian ad litem representation the county incurred from the attorney costs for guardian ad litem account, as established in section 57-828, Idaho Code, by submitting a request to the office of the state public defender.

SECTION 2. That Section 19-5905, Idaho Code, be, and the same is hereby amended to read as follows:

19-5905. POWERS AND DUTIES. (1) ~~Subject to the provisions of subsection (2) of this section~~ Consistent with the state of Idaho's obligation to provide indigent public defense pursuant to the sixth amendment to the constitution of the United States, section 13, article I of the constitution of the state of Idaho, and the provisions of this chapter, the state appellate public defender, upon appointment by the court, shall provide representation for indigent defendants in the following cases:

(a) Appeals from convictions or post-judgment orders in district court;

(b) Interlocutory criminal appeals from district court;

(c) Appeals from the district court of misdemeanor cases;

(d) Appeals from the district court of orders or final judgments affecting a juvenile offender under the juvenile corrections act, chapter 5, title 20, Idaho Code;

(e) Appeals from the district court in post-conviction relief proceedings brought pursuant to the uniform post-conviction procedure act, chapter 49, title 19, Idaho Code;

(f) Appeals from the district court in habeas corpus proceedings brought pursuant to chapter 42, title 19, Idaho Code; and

(g) Post-conviction relief proceedings in district court in capital cases.

~~(2) The services of the state appellate public defender shall be available only to those counties participating in the capital crimes defense fund established pursuant to section 19-5908, Idaho Code.~~

~~(3) (2) The state appellate public defender may employ deputy state appellate public defenders and other employees necessary to carry out the responsibilities of the office. A deputy state appellate public defender must be licensed to practice law in the state of Idaho and possess any other qualifications required by the state appellate public defender. The state appellate public defender shall fix the compensation of all employees of the office and they shall serve at his pleasure.~~

~~(4) (3) The state appellate public defender, deputy state appellate public defenders, and all employees of the office of the state appellate public defender shall be nonclassified employees pursuant to section 67-5303, Idaho Code.~~

~~(5) (4) The state appellate public defender, in his discretion, may contract with private attorneys to provide representation on a case-by-case basis when such contracts would conserve budgetary resources.~~

~~(6) (5) The state appellate public defender shall have any and all other powers and duties necessary to carry out the purposes of this chapter.~~

SECTION 3. That Section 19-6005, Idaho Code, as enacted by Section 1, Chapter 220, Laws of 2023, be, and the same is hereby amended to read as follows:

19-6005. POWERS AND DUTIES OF THE STATE PUBLIC DEFENDER. Consistent with the state of Idaho's obligation to provide indigent public defense pursuant to the sixth amendment to the United States constitution; section 13, article I of the constitution of the state of Idaho; and this chapter, the state public defender shall have the power to:

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

(2) Provide appropriate facilities, including office space, furniture, equipment, books and other legal research tools, postage, supplies, and secure information and communication technology equipment that is reasonably necessary for the proper performance of the state public defender;

(3) Implement procedures for the oversight, implementation, enforcement, and improvement of indigent defense standards so that the right to counsel of indigent persons is constitutionally delivered to all indigent persons in this state;

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

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

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

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

(8) Establish a uniform system for contracting with qualified attorneys to carry out the purposes of this chapter, including a system for application, payment for services, and reimbursement; and

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

(10) Seek reimbursement from any applicable federal funds at the department of health and welfare for any allowable costs of representation or administrative costs for any representation authorized by this chapter, whether provided by employees of the office of the state public defender or by contract.

SECTION 4. That Section 19-852, Idaho Code, as amended by Section 5, Chapter 220, Laws of 2023, be, and the same is hereby amended to read as follows:

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

(a) To be represented by an attorney to the same extent as a person having his own counsel is so entitled; and

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

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

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

(b) To be represented in any appeal;

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

(3) Upon a finding of indigency, representation by an attorney under subsection (1) of this section shall include the following cases, excluding those cases where the state appellate public defender has jurisdiction pur-

suant to section 19-5905, Idaho Code, and excluding those cases of guardian ad litem representation pursuant to section 16-1614(4), Idaho Code:

(a) Felony and misdemeanor cases;

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

(c) Proceedings under the uniform post-conviction procedure act, chapter 49, title 19, Idaho Code;

(d) Civil contempt proceedings where incarceration is sought;

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

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

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

SECTION 5. That Chapter 60, Title 19, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 19-6020, Idaho Code, and to read as follows:

19-6020. APPOINTMENT OF ADDITIONAL COUNSEL -- PRO BONO PROGRAMS. (1) Should the office of the state public defender be unable to carry out the duties required in this chapter because of a conflict of interest, or any other reason, the state public defender or his designee shall arrange for counsel for indigent defendants to be compensated out of the budget of the office of the state public defender. The state public defender, in his discretion, may also contract with private attorneys to provide representation pursuant to this chapter on a case-by-case basis when such contracts would conserve budgetary resources.

(2) The state public defender is authorized to facilitate and develop with the judicial branch, the Idaho state bar, law schools, and private attorneys and law offices pro bono opportunities to take cases pursuant to this chapter; however, nothing in this subsection requires the office of the state public defender to assign pro bono cases to attorneys who do not meet the requirements and standards for defending attorneys.

SECTION 6. That Chapter 8, Title 57, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 57-828, Idaho Code, and to read as follows:

57-828. ATTORNEY COSTS FOR GUARDIAN AD LITEM ACCOUNT. (1) There is hereby created in the state treasury the attorney costs for guardian ad litem account. The account shall be used solely to reimburse counties for representation of a guardian ad litem pursuant to section 16-1614(4), Idaho Code.

(2) For fiscal year 2025 and each fiscal year thereafter, immediately after the transfer made pursuant to section 57-811(3), Idaho Code, the state controller shall transfer the amount required for the account to have a beginning fiscal year balance of five hundred thousand dollars (\$500,000) from the state public defense fund established pursuant to section 57-827, Idaho Code.

(3) All moneys placed in the account are hereby perpetually appropriated for reimbursing counties for representation of guardians ad litem pursuant to section 16-1614(4), Idaho Code. All expenditures from the account shall be paid out in warrants drawn by the state controller upon presentation of proper vouchers from the office of the state public defender. Pending use, surplus moneys in the account shall be invested by the state treasurer in the same manner as prescribed in section 67-1210, Idaho Code, with respect

to surplus or idle moneys in the state treasury. Interest earned on the investments shall be returned to the account.

SECTION 7. That Section 67-5303, Idaho Code, be, and the same is hereby amended to read as follows:

67-5303. APPLICATION TO STATE EMPLOYEES. All departments of the state of Idaho and all employees in such departments, except those employees specifically defined as nonclassified, shall be classified employees who are subject to this chapter and to the system of personnel administration it prescribes. All nonclassified employees are subject to conformity with classified positions as set forth in section 59-1603, Idaho Code. Nonclassified employees shall be:

(a) Members of the state legislature and all other officers of the state of Idaho elected by popular vote and persons appointed to fill vacancies in elective offices and employees of the state legislature.

(b) Members of statutory boards and commissions and heads of departments appointed by and serving at the pleasure of the governor, deputy directors appointed by the director of a department, and members of advisory boards and councils appointed by the departments.

(c) All employees and officers in the office, and at the residence, of the governor; and all employees and officers in the offices of the lieutenant governor, secretary of state, attorney general, state treasurer, state controller, and state superintendent of public instruction.

(d) Except as otherwise provided by law, one (1) declared position designated by the appointing authority of a participating department, in addition to those declared to be nonclassified by other provisions of law.

(e) Part-time professional consultants who are paid on a fee basis for any form of legal, medical or other professional service and who are not engaged in the performance of administrative duties for the state.

(f) Judges, temporary referees, receivers and jurors.

(g) All employees of the Idaho supreme court, Idaho court of appeals and district courts.

(h) All employees of the Idaho state bar.

(i) Assistant attorneys general attached to the office of the attorney general.

(j) Officers, members of the teaching staffs of state higher educational institutions, the professional staffs of the office of the state board of education and the Idaho department of education administered by the board of regents and the board of education, all professional staff of the public charter school commission, and the professional staffs of the Idaho division of career technical education and vocational rehabilitation administered by the state board for career technical education. "Teaching staff" includes teachers, coaches, resident directors, librarians and those principally engaged in academic research. The word "officer" means presidents, vice presidents, deans, directors, or employees in positions designated by the state board who receive an annual salary of not less than step A of the pay grade equivalent to three hundred fifty-five (355) Hay points in the state compensation schedule. In consultation with the Idaho division of human resources, the state board of education shall implement policies and procedures for nonclassified employees to conform with section 59-1603, Idaho Code.

(k) Employees of the military division.

(l) Patients, inmates or students employed in a state institution.

(m) Temporary employees.

(n) All employees and officers of the following named commodity commissions, and all employees and officers of any commodity commission created hereafter: the Idaho potato commission, as provided in chapter 12, title 22, Idaho Code; the Idaho honey commission, as provided in chapter 28, title 22,

Idaho Code; the Idaho bean commission, as provided in chapter 29, title 22, Idaho Code; the Idaho hop grower's commission, as provided in chapter 31, title 22, Idaho Code; the Idaho wheat commission, as provided in chapter 33, title 22, Idaho Code; the Idaho pea and lentil commission, as provided in chapter 35, title 22, Idaho Code; the Idaho apple commission, as provided in chapter 36, title 22, Idaho Code; the Idaho cherry commission, as provided in chapter 37, title 22, Idaho Code; the Idaho mint commission, as provided in chapter 38, title 22, Idaho Code; the Idaho sheep and goat health board, as provided in chapter 1, title 25, Idaho Code; the state brand inspector, and all district supervisors, as provided in chapter 11, title 25, Idaho Code; the Idaho beef council, as provided in chapter 29, title 25, Idaho Code; and the Idaho dairy products commission, as provided in chapter 31, title 25, Idaho Code.

(o) All inspectors of the fresh fruit and vegetable inspection service of the Idaho department of agriculture, except those positions involved in the management of the program.

(p) All employees of correctional industries within the department of correction.

(q) All deputy administrators and wardens employed by the department of correction. Deputy administrators are defined as only the deputy administrators working directly for the nonclassified division administrators under the director of the department of correction.

(r) All public information positions, with the exception of secretarial positions, in any department.

(s) Any division administrator.

(t) Any regional administrator or division administrator in the department of environmental quality.

(u) All employees of the division of financial management, all employees of the STEM action center, all employees of the office of species conservation, all employees of the office of drug policy, and all employees of the office of energy and mineral resources.

(v) All employees of the Idaho food quality assurance institute.

(w) All employees of ~~state agencies that provide or fund indigent public defense, including~~ the office of the state appellate public defender, pursuant to chapter 59, title 19, Idaho Code, and the office of the state public defender, pursuant to chapter 60, title 19, Idaho Code, ~~when such chapter takes effect, and the state public defense commission, pursuant to section 19-849, Idaho Code.~~

(x) All quality assurance specialists or medical investigators of the Idaho board of medicine.

(y) All pest survey and detection employees and their supervisors hired specifically to carry out activities under the Idaho plant pest act, chapter 20, title 22, Idaho Code, including but not limited to pest survey, detection, and eradication, except those positions involved in the management of the program.

(z) All medical directors employed by the department of health and welfare who are engaged in the practice of medicine, as defined by section 54-1803, Idaho Code, at a state hospital or other treatment facility managed and operated by the department of health and welfare.

(aa) All hearing officers and all other employees of the office of administrative hearings, as provided for in chapter 52, title 67, Idaho Code.

SECTION 8. An emergency existing therefor, which emergency is hereby declared to exist, Sections 6 and 7 of this act shall be in full force and effect on and after July 1, 2024. Sections 1 through 5 of this act shall be in full force and effect on and after October 1, 2024.

CHAPTER 271
(H.B. No. 738)

AN ACT

RELATING TO THE APPROPRIATION TO THE OFFICE OF THE STATE BOARD OF EDUCATION AND THE STATE DEPARTMENT OF EDUCATION; APPROPRIATING ADDITIONAL MONEYS TO THE OFFICE OF THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 2025; REDUCING THE APPROPRIATION TO THE STATE DEPARTMENT OF EDUCATION FOR FISCAL YEAR 2025; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the Office of the State Board of Education for the IT and Data Management Program the following amounts to be expended from the listed funds for trustee and benefit payments for the period July 1, 2024, through June 30, 2025:

FROM:

General Fund	\$3,430,000
Broadband Infrastructure Fund	<u>1,274,000</u>
TOTAL	\$4,704,000

SECTION 2. Notwithstanding any other provision of law to the contrary, the appropriation made to the State Department of Education for the Administration Program is hereby reduced by the following amounts from the listed funds for trustee and benefit payments for the period July 1, 2024, through June 30, 2025:

FROM:

General Fund	\$3,430,000
Broadband Infrastructure Fund	<u>1,900,000</u>
TOTAL	\$5,330,000

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved April 4, 2024

CHAPTER 272
(H.B. No. 727)

AN ACT

RELATING TO PUBLIC UTILITIES; AMENDING CHAPTER 3, TITLE 61, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 61-301A, IDAHO CODE, TO PROHIBIT PUBLIC UTILITIES FROM REQUIRING THE DISCLOSURE OF FULL SOCIAL SECURITY NUMBERS AS A CONDITION OF RECEIVING ANY PRODUCT, COMMODITY, OR SERVICE PROVIDED BY THE PUBLIC UTILITY AND TO PROVIDE AN EXCEPTION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 3, Title 61, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 61-301A, Idaho Code, and to read as follows:

61-301A. REQUIRING SOCIAL SECURITY NUMBER -- PROHIBITED -- EXCEPTION. No public utility shall require an applicant for any product or commodity furnished by the public utility or service rendered by the public utility to disclose more than four (4) digits of the applicant's social security number prior to obtaining such product, commodity, or service. Provided, however, in the event the public utility uses an applicant's full social security number for a credit check, such full social security number shall be deleted from the public utility's records within ten (10) days of the credit check.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved April 4, 2024

CHAPTER 273
(H.B. No. 733)

AN ACT

RELATING TO THE APPROPRIATION TO THE STATE BOARD OF EDUCATION FOR COMMUNITY COLLEGES; APPROPRIATING ADDITIONAL MONEYS TO THE STATE BOARD OF EDUCATION FOR COMMUNITY COLLEGES FOR FISCAL YEAR 2025; REDUCING THE APPROPRIATION TO THE STATE BOARD OF EDUCATION FOR COMMUNITY COLLEGES FOR FISCAL YEAR 2025; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the State Board of Education for Community Colleges the following amounts to be expended according to the designated programs for personnel costs from the General Fund for the period July 1, 2024, through June 30, 2025:

FOR:

COLLEGE OF EASTERN IDAHO:	\$697,400
COLLEGE OF SOUTHERN IDAHO:	\$1,143,500
COLLEGE OF WESTERN IDAHO:	\$956,800
NORTH IDAHO COLLEGE:	\$662,700
TOTAL	\$3,460,400

SECTION 2. Notwithstanding any other provision of law to the contrary, the appropriation made to the State Board of Education for Community Colleges is hereby reduced by the following amounts according to the designated programs and expense classes from the General Fund for the period July 1, 2024, through June 30, 2025:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
COLLEGE OF WESTERN IDAHO:		\$429,900	\$429,900
NORTH IDAHO COLLEGE:	\$280,600	0	\$280,600
TOTAL	\$280,600	\$429,900	\$710,500

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved April 4, 2024

CHAPTER 274
(H.B. No. 747)

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-4303, IDAHO CODE, AS AMENDED IN SECTION 1 OF HOUSE BILL NO. 500, IF ENACTED BY THE SECOND REGULAR SESSION OF THE SIXTY-SEVENTH IDAHO LEGISLATURE, TO REVISE A PROVISION REGARDING ELIGIBILITY FOR THE IDAHO OPPORTUNITY SCHOLARSHIP; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 33-4303, Idaho Code, as amended in Section 1 of House Bill No. 500, if enacted by the Second Regular Session of the Sixty-seventh Idaho Legislature, be, and the same is hereby amended to read as follows:

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

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

(e) Incentivize students to complete a postsecondary education degree or certificate.

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

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

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

(i) Operated privately;

(ii) Classified as not-for-profit under state law;

(iii) Under the control of an independent board and not directly controlled or administered by a public or political subdivision; and

(iv) Accredited by an organization recognized by the state board as provided in section 33-2402, Idaho Code.

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

(i) Is an Idaho resident as defined in section 33-3717B, Idaho Code;

(ii) Has graduated or will graduate from an accredited high school or its equivalent in Idaho as determined by the state board;

(iii) Has enrolled or applied to an eligible Idaho postsecondary educational institution;

(iv) Is a postsecondary undergraduate student who has not previously completed a baccalaureate (bachelor's) degree or higher;

(v) Is Beginning with the graduating high school class of 2025, is not receiving any grant funds pursuant to the provisions of section 72-1205, Idaho Code; and

(vi) Meets need and merit criteria as set by the state board.

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

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

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

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

(3) (a) To qualify for the opportunity scholarship program an eligible student must:

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

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

(b) For an eligible student that has previously received an opportunity scholarship award to renew such award for the next year, the eligible student shall maintain progress towards on-time degree completion so that such student is on schedule to obtain an associate degree within

two (2) years or a baccalaureate degree within four (4) years from the time such student initially received an opportunity scholarship award.

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

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

(6) Up to five percent (5%) of funds that are available for the opportunity scholarship program may be used for awards to adult students who have earned at least twenty-four (24) credits toward a postsecondary degree or certificate and who return to an eligible Idaho postsecondary educational institution to complete a certificate or degree.

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

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

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

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

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

(b) Earnings from moneys in the account or specified gifts shall be distributed annually to the state board to implement the opportunity scholarship program as provided for under the provisions of this chapter.

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

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

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

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

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

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved April 4, 2024

CHAPTER 275
(H.B. No. 734)

AN ACT

RELATING TO THE APPROPRIATION TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO; APPROPRIATING ADDITIONAL MONEYS TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR COLLEGE AND UNIVERSITIES AND THE OFFICE OF THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 2025; REDUCING THE APPROPRIATION TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR COLLEGE AND UNIVERSITIES AND THE OFFICE OF THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 2025; PROVIDING FOR THE USE OF APPROPRIATED FUNDS; PROVIDING FOR THE USE OF APPROPRIATED FUNDS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the State Board of Education and the Board of Regents of the University of Idaho for College and Universities and the Office of the State Board of Education the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2024, through June 30, 2025:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
I. BOISE STATE UNIVERSITY:			
FROM:			
General			
Fund	\$4,292,600		\$4,292,600
Unrestricted			
Fund	<u>521,000</u>		<u>521,000</u>
TOTAL	\$4,813,600		\$4,813,600

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
II. IDAHO STATE UNIVERSITY:			
FROM:			
General			
Fund	\$2,991,900	\$552,100	\$3,544,000
Charitable Institutions Endowment Income			
Fund	31,700		31,700
Normal School Endowment Income			
Fund	357,200		357,200
Unrestricted			
Fund	<u>589,700</u>	<u>0</u>	<u>589,700</u>
TOTAL	\$3,970,500	\$552,100	\$4,522,600
III. LEWIS-CLARK STATE COLLEGE:			
FROM:			
General			
Fund	\$551,700	\$268,800	\$820,500
Normal School Endowment Income			
Fund		352,200	352,200
Unrestricted			
Fund	<u>225,000</u>	<u>0</u>	<u>225,000</u>
TOTAL	\$776,700	\$621,000	\$1,397,700
IV. UNIVERSITY OF IDAHO:			
FROM:			
General			
Fund	\$3,548,200	\$290,000	\$3,838,200
Agricultural College Endowment Income			
Fund		65,700	65,700
Scientific School Endowment Income			
Fund		49,700	49,700
University Endowment Income			
Fund		266,500	266,500
Unrestricted			
Fund	<u>942,900</u>	<u>0</u>	<u>942,900</u>
TOTAL	\$4,491,100	\$671,900	\$5,163,000
GRAND TOTAL	\$14,051,900	\$1,845,000	\$15,896,900

SECTION 2. Notwithstanding any other provision of law to the contrary, the appropriation to the State Board of Education and the Board of Regents of the University of Idaho for College and Universities for Boise State University is hereby reduced by \$4,600 from the General Fund from operating expenditures for the period July 1, 2024, through June 30, 2025.

SECTION 3. USE OF APPROPRIATED FUNDS. State-appropriated funds shall not be utilized to support diversity, equity, inclusion, or social justice ideology as part of any student activities, clubs, events, or organizations on campus. Each college and university shall submit a written report of its expenditures related to these activities to the Joint Finance-Appropriations Committee no later than December 1, 2024.

SECTION 4. USE OF APPROPRIATED FUNDS. State-appropriated funds for capacity enhancement at the University of Idaho shall not be utilized to support undergraduate nursing or physician assistant programs that are provided by other colleges, universities, and community colleges that receive state appropriated funds.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved April 4, 2024

CHAPTER 276
(H.B. No. 749)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF THE IDAHO DIGITAL LEARNING ACADEMY; APPROPRIATING ADDITIONAL MONEYS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF THE IDAHO DIGITAL LEARNING ACADEMY FOR FISCAL YEAR 2025; APPROPRIATING GENERAL FUND MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND FOR FISCAL YEAR 2025; CLARIFYING THE ORIGINAL FUND SOURCE FOR EXPENDITURES IN THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF THE IDAHO DIGITAL LEARNING ACADEMY FOR FISCAL YEAR 2025; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the Public Schools Educational Support Program's Division of the Idaho Digital Learning Academy an additional \$1,642,500 to be expended from the Public School Income Fund for the period July 1, 2024, through June 30, 2025.

SECTION 2. There is hereby appropriated and the Office of the State Controller shall transfer \$1,642,500 from the General Fund to the Public School Income Fund on July 1, 2024, or as soon thereafter as practicable for the period July 1, 2024, through June 30, 2025.

SECTION 3. Of the additional amounts appropriated in Section 1 of this act for the Public Schools Educational Support Program's Division of the Idaho Digital Learning Academy, \$1,642,500 shall be considered expended from the General Fund for the period July 1, 2024, through June 30, 2025.

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved April 4, 2024

CHAPTER 277
(S.B. No. 1358, As Amended)

AN ACT

RELATING TO STUDENT FUNDING; AMENDING SECTION 33-1030, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 33-1031, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE EMPOWERING PARENTS GRANT PROGRAM; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 33-1030, Idaho Code, be, and the same is hereby amended to read as follows:

33-1030. DEFINITIONS. As used in this section through section 33-1034, Idaho Code:

(1) "Assessment" means an examination or another objective evaluation of a student's academic performance, academic engagement, or college or career readiness.

(2) "Board" means the state board of education.

(3) "Eligible education expenses" means:

(a) Computer hardware, internet access, or other technological devices or services that are primarily used to meet a participant's educational needs; however, expenses related to internet access shall be subject to reimbursement pursuant to the provisions of section 33-1031(2)(c), Idaho Code, and shall not be eligible for direct payment through the grant distribution platform;

(b) Textbooks, curriculum, or other instructional materials, including educational software and applications;

(c) Fees for national standardized assessments, advanced placement examinations, examinations related to college or university admissions, or industry-recognized certification examinations;

(d) Therapies, including but not limited to occupational, behavioral, physical, speech-language, and audiology therapies, or other services or therapies specifically approved by the board;

(e) Educational programs offered for a fee or pursuant to contract by a school district, public charter school, or career technical education program to ~~nonpublic students, provided that such students may not be counted for purposes of calculating public school enrollment~~ any eligible student; however, the payment of such fees on behalf of a student through the grant distribution platform shall not cause such student to be counted for purposes of calculating public school enrollment; or

(f) Other education expenses and services as approved by the board, upon recommendation of the parent advisory panel established pursuant to section 33-1032, Idaho Code.

(4) "Eligible student" means ~~a person in kindergarten through grade 12, whether a public school or nonpublic school student~~ full-time resident of Idaho who is five (5) to eighteen (18) years of age.

(5) "Grant" means an award of one thousand dollars (\$1,000), which must be used for eligible education expenses.

(6) "Grant distribution platform" means a digital platform through which grant funds are transferred from the board to participant accounts.

(7) "Parent" means the parent or legal guardian of an eligible student or a participant.

(8) "Participant" means an eligible student for whom a grant is awarded under section 33-1031, Idaho Code.

(9) "Program" means the empowering parents grant program established by section 33-1031, Idaho Code.

SECTION 2. That Section 33-1031, Idaho Code, be, and the same is hereby amended to read as follows:

33-1031. EMPOWERING PARENTS GRANT PROGRAM. (1) There is hereby established the empowering parents grant program, to be administered by the board according to the provisions of this section. The purpose of the program is to provide education grants for eligible students.

(2) In order to administer the program, the board:

(a) Shall create and administer, or designate a third party to create and administer, a grant distribution platform;

(b) Shall establish a grant application process for parents;

(c) Shall establish provisions for the reimbursement of any eligible education expense for which reimbursement is required and direct payment from the platform is not permitted pursuant to section 33-1030(3)(a), Idaho Code;

~~(e)~~ (d) Shall, subject to appropriation, award grants. Grant awards shall be made in the following order of preference:

(i) First to eligible students whose household has an adjusted gross income under sixty thousand dollars (\$60,000), as verified by the Idaho state tax commission using the prior year's tax returns. Notification of grant awards for students in this category shall be made within thirty (30) days of application, and grant funds shall be made available for participants' use as soon as practicable, but no later than thirty (30) days after the notification of a grant award;

(ii) Starting sixty (60) days after grant awards in a fiscal year are made under subparagraph (i) of this paragraph, to eligible students whose household has an adjusted gross income under seventy-five thousand dollars (\$75,000), as verified by the Idaho state tax commission using the prior year's tax returns; and

(iii) Starting sixty (60) days after grant awards in a fiscal year are made under subparagraph (ii) of this paragraph, to all other eligible students on a first-come, first-served basis until all available funds are distributed; and

~~(d)~~ (e) May take such other actions as are necessary to implement and enforce the provisions of this section.

(3) Prior to the award of a grant, the parent of a participant shall agree to verify program compliance. The parent of a participant shall use grant funds only for eligible education expenses. If a parent is found to misuse grant funds, then neither the parent nor another parent of the student living in the same household may apply for a grant in the future for any student, provided that the parent may appeal the finding to the board.

(4) Grant funds shall be expended within ~~two (2)~~ three (3) years after they are awarded. Any unused funds at the end of the ~~two (2)~~ three (3) year period shall revert to the empowering parents grant program fund established in section 33-1034, Idaho Code. At any time before the three (3) year period ends, unused funds may be forfeited and transferred from the participant account to the program fund.

(5) Grant awards per family shall be capped at three thousand dollars (\$3,000), regardless of the number of eligible students in the family.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

CHAPTER 278
(S.B. No. 1251)

AN ACT

RELATING TO ELECTION CAMPAIGN CONTRIBUTIONS AND EXPENDITURES; AMENDING SECTION 67-6602, IDAHO CODE, TO REVISE A DEFINITION; AND DECLARING AN EMERGENCY.

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

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

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

(1) "Candidate" means an individual who seeks nomination, election, or reelection to public office and who has taken any of the following actions:

(a) Announced the individual's candidacy publicly;

(b) Filed for public office;

(c) Received a contribution for the purpose of promoting the individual's candidacy for office; or

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

For purposes of this chapter, an incumbent shall be presumed to be a candidate in the subsequent election for his or her office until the incumbent has failed to file a declaration of candidacy by the statutory deadline.

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

(3) "Contractor" means a person who receives compensation from another person for either full-time or part-time work based on a contract or compensation agreement, but who is not an employee of that person.

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

than money or its equivalent shall be deemed to have a money value equivalent to the fair market value of the contribution.

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

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

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

- (i) Unambiguously refers to any candidate; and
- (ii) Is broadcasted, printed, mailed, delivered, made or distributed within thirty (30) days before a primary election or sixty (60) days before a general election; and
- (iii) Is broadcasted to, printed in a newspaper, distributed to, mailed to or delivered by hand to, telephone calls made to, or otherwise distributed to an audience that includes members of the electorate for such public office.

(b) "Electioneering communication" does not include:

- (i) Any news articles, editorial endorsements, opinion or commentary, writings, or letter to the editor printed in a newspaper, magazine, or other periodical not owned or controlled by a candidate, political committee, or political party;
- (ii) Any editorial endorsements or opinions aired by a broadcast facility not owned or controlled by a candidate, political committee, or political party;
- (iii) Any communication by persons made in the regular course and scope of their business or any communication made by a membership organization solely to members of such organization and their families;
- (iv) Any communication that refers to any candidate only as part of the popular name of a bill or statute;
- (v) A communication that constitutes an expenditure or an independent expenditure under this chapter.

(8) "Employee" means an individual who performs a service for wages or other compensation from which the individual's employer withholds federal employment taxes under a contract for hire, written or oral.

(9) "Executive official" means:

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

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

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

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

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

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

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

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

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

(13) "Lobbyist" includes any person who lobbies.

(14) "Lobbyist's client" means the person on whose behalf the lobbyist is acting, directly or indirectly, as a contractor, and by whom the lobbyist or lobbyist's employer is compensated for acting as a lobbyist.

(15) "Lobbyist's employer" means the person or persons for whom a lobbyist is an employee, and by whom the lobbyist is compensated for acting as a lobbyist.

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

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

(18) "Nonbusiness entity" means any group of two (2) or more individuals, a corporation, association, firm, partnership, committee, club or other organization that:

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

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

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

(20) "Political committee" means:

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

(b) Any person who receives contributions and makes expenditures in an amount exceeding one thousand dollars (\$1,000) in any calendar year for the purpose of supporting or opposing one (1) or more candidates or measures. ~~Any entity registered with the federal election commission shall not be considered a political committee for purposes of this chapter.~~

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

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

(22) "Public office" means any local, legislative, judicial, or state office or position that is filled by election but does not include the office of precinct committeeman.

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

Approved April 4, 2024

CHAPTER 279
(S.B. No. 1364, As Amended)

AN ACT

RELATING TO BEER; AMENDING SECTION 23-1003, IDAHO CODE, TO REMOVE A PROVISION REGARDING A BREWER'S LICENSE AND TO REVISE PROVISIONS REGARDING A BREWER'S LICENSE; AMENDING SECTION 23-1007, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 23-1032, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 23-1033, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 23-1003, Idaho Code, be, and the same is hereby amended to read as follows:

23-1003. BREWERS', DEALERS' AND WHOLESALERS' LICENSES. (a) Before any brewer shall manufacture or any dealer or wholesaler import or sell beer within the state of Idaho, such brewer shall apply to the director for a license. The application form shall be prescribed and furnished by the director and require that the applicant show that such brewer possesses all the qualifications and none of the disqualifications of a licensee. To determine qualification for a license, the director shall cause an investigation that shall include a fingerprint-based criminal history check of the Idaho central criminal history database and the federal bureau of investigation criminal history database. Each person listed as an applicant on an initial application shall submit a full set of fingerprints and the fee to cover the cost of the criminal history background check with the application. The application shall also be accompanied by the required licensee fee; provided, that where the applicant is or will be within more than one (1) of the foregoing classifications, the applicant shall apply for each classification but shall pay only one (1) license fee, which shall be for the classification requiring the highest fee. If the director is satisfied that the applicant possesses the qualifications and none of the disqualifications for the license, the director shall issue a license for each classification applied for, subject to the restrictions and upon the conditions in this act specified, which license or licenses shall be at all times prominently displayed in the place of business of the licensee.

(b) Each wholesaler shall, in addition to the application, file with the director a notice in writing signed by the dealer or brewer and the wholesaler stating the geographic territory within which the wholesaler will distribute beer to retailers. The territory will be agreed upon between the dealer or brewer and the wholesaler and may not be changed or modified without the consent of both the dealer or brewer and the wholesaler. Provided however, nothing in this section shall be interpreted to prohibit a brewer or dealer from permitting more than one (1) distributor for the same geographic territory.

(c) In the event that a wholesaler sells beer to a retailer who is located outside the geographical territory designated by that wholesaler on the notice provided for in subsection (b) of this section, the dealer or wholesaler who has designated the geographical territory in which the sale occurred may apply to a district court of this state for the issuance of an injunction enjoining sales of beer by the wholesaler outside of its designated geographical territory. The procedure for issuance of an injunction pursuant to this act shall be subject to the Idaho rules of civil procedure. Upon proof to the court that a wholesaler has made a sale of beer outside of its designated geographical territory, the court shall issue an injunction directed to the wholesaler prohibiting sales of beer outside of its designated geographical territory.

~~(d) Any brewer licensed within the state of Idaho who produces fewer than thirty thousand (30,000) barrels of beer annually, upon payment of a retailer's annual license fee, may be issued a brewer's retail beer license for the retail sale of the products of its brewery at its licensed premises or one (1) remote retail location, or both. Any brewer selling beer at retail or selling to a retailer must pay the taxes required in section 23-1008, Idaho Code, but need not be licensed as a wholesaler for the purpose of selling beer at the brewery or at one (1) remote retail location.~~

(e) ~~(d)~~ Any brewer licensed within the state of Idaho who that produces fewer than thirty thousand (30,000) barrels of beer annually may be issued a brewer's pub retail license. Upon payment of a retailer's annual license fee, and subject to the fees in sections 23-1015 and 23-1016, Idaho Code, a brewer may, at its licensed brewery or at one (1) remote retail location, or

both, sell at retail the products of any brewery by the individual bottle, can or glass. Any brewer selling beer at retail or selling products of its brewery to a retailer must pay the taxes required in section 23-1008, Idaho Code, on the products of its brewery, but need not be licensed as a wholesaler for the purpose of selling beer at the brewery or at one (1) remote retail location. Upon annual approval by the director, a brewer licensed pursuant to this subsection shall not forfeit its right to sell the products of any brewery by the individual bottle, can, or glass at its licensed brewery or one (1) remote retail location, or both, should the brewer produce more than thirty thousand (30,000) barrels of beer, provided such brewer:

(1) Has continuously brewed beer in and continuously maintained a physical presence in the state of Idaho for no less than five (5) years;

(2) Has not violated any of the provisions of this chapter resulting in a revocation or suspension of a license for multiple days during any point of the brewery's production operations; and

(3) Has surrendered any wholesale license.

~~(f)~~ (e) A brewer licensed under the provisions of subsection (d) ~~or (e)~~ of this section may be licensed as a wholesaler for the sale of beer produced by such brewery to retailers other than at the licensed brewery and one (1) remote retail location and shall not be required to pay an additional fee. Such brewer shall, however, comply with and be subject to all other regulations or provisions of law that apply to a wholesaler's license, except as the laws may restrict sales at the licensed brewery or one (1) other remote retail location. The holder of a ~~brew-pub~~ brewer's retail license shall not be disqualified from holding a retail wine license or wine by the drink license for the sale of wine at the ~~brew-pub~~ brewery's premises on the grounds that the licensee is also licensed as a wholesaler.

SECTION 2. That Section 23-1007, Idaho Code, be, and the same is hereby amended to read as follows:

23-1007. SALES BY DEALERS AND WHOLESALERS -- PROHIBITED UNLESS OBTAINED FROM LICENSEES -- CONSUMPTION ON PREMISES PROHIBITED -- MINIMUM SALE ON LICENSED PREMISES OF UNBROKEN PACKAGES OR KEGS. Except as provided in section 23-1007A, Idaho Code, it shall be unlawful for any dealer or wholesaler to sell for use within the state of Idaho any unbroken packages or kegs of beer produced, manufactured, imported or bought by such dealer except to licensed dealers, wholesalers, retailers to whom a license has been issued by the director, or to employees of the wholesaler or dealer; nor shall any dealer or wholesaler allow for a consideration such beer to be consumed upon the premises of such dealer or wholesaler; provided, however, that any dealer or wholesaler shall be allowed to make sales of beer in kegs of not less than five (5) gallons to a consumer at his licensed premises. Licensed brewers may sell at retail only as provided in section 23-1003(d) and ~~(e)~~, Idaho Code.

SECTION 3. That Section 23-1032, Idaho Code, be, and the same is hereby amended to read as follows:

23-1032. FINANCIAL INTEREST IN DEALER OR WHOLESALER PROHIBITED. (1) It shall be unlawful for any brewer, directly or indirectly, or through an affiliate, subsidiary, officer, director, agent or employee to have any financial interest in any licensed wholesaler's or dealer's business, or to own or control any real property upon which a licensed dealer or wholesaler conducts business, except:

(a) For a brewer licensed within the state of Idaho who produces fewer than thirty thousand (30,000) barrels of beer annually and is duly licensed as a wholesaler as provided in section 23-1003~~(f)~~(e), Idaho Code;

(b) If a licensed dealer or wholesaler has been granted distribution rights by a brewer for a brand in a designated territory and is unable to service the designated sales territory for reasons that are not the result of an action by the brewer, or in the event of a termination, cancellation, discontinuance or failure to renew a distribution agreement between a brewer and a licensed dealer or wholesaler for reasons set forth in section 23-1105, Idaho Code, such as insolvency, loss of licensure or fraud and in accordance with the provisions of chapter 11, title 23, Idaho Code, a brewer shall be allowed to appoint a temporary licensed dealer or wholesaler to service the brewer's brands in the designated sales territory and, for a period not to exceed five (5) years, to have any financial interest in the temporary licensed dealer or wholesaler; or

(c) If a licensed dealer or wholesaler is voluntarily selling its distribution rights, a brewer whose brand distribution rights are being transferred may have any financial interest in the purchasing distributor for a period not to exceed five (5) years to assist in financing the purchase.

(2) It shall be unlawful for any licensed wholesaler or dealer, directly or indirectly, or through an affiliate, subsidiary, officer, director, agent or employee to have any financial interest in a licensed brewer's business, or to own or control any real property upon which a licensed brewer conducts business. This section shall not apply to a non-controlling de minimis interest in stock held in a publicly traded company including mutual funds.

SECTION 4. That Section 23-1033, Idaho Code, be, and the same is hereby amended to read as follows:

23-1033. FINANCIAL INTEREST IN OR AID TO RETAILERS PROHIBITED -- CERTAIN AID PERMITTED. (1) Except as provided in sections 23-1003(d), and ~~23-1003(e)~~, Idaho Code, it shall be unlawful for any brewer, dealer, wholesaler, or the holder of any certificate of approval, directly or indirectly, or through an affiliate, subsidiary, officer, director, agent or employee:

(a) To have any financial interest in any licensed retailer's business, or to own or control any real property upon which a licensed retailer conducts his business, except such property as shall have been so owned or controlled continuously for more than one (1) year prior to July 1, 1975; provided however, that a brewer licensed pursuant to section 23-1003(d) ~~or (e)~~, Idaho Code, may be permitted to have a financial interest in one (1) additional brewery licensed pursuant to section 23-1003(d) ~~or (e)~~, Idaho Code; or

(b) To aid or assist any licensed retailer by giving such retailer, or any employee thereof, any discounts, premiums or rebates in connection with any sale of beer; or

(c) To aid or assist any licensed retailer by furnishing, giving, renting, lending or selling any equipment, signs, supplies, services, or other thing of value to the retailer which may be used in conducting the retailer's retail beer business, except as expressly permitted by this chapter; or

(d) To enter into any lease or other agreement with any retail licensee to control the product or products sold by such retailer; or

(e) To provide for any rental or other charge to be paid to or by the retailer for product display or advertising display space.

(2) A brewer, dealer, or wholesaler as an incident to merchandising in the ordinary course of business, and if available to all licensed retailers without discrimination, may sell to a retailer equipment, supplies, or clothing which may be used in conducting the retailer's retail business. A brewer, dealer or wholesaler may not sell such equipment or supplies at a

price, or under terms, intended or designed to encourage or induce the retailer to use products of the seller to the exclusion of the products of other brewers, dealers or wholesalers. In no event shall the sales price be less than the reasonable value of such equipment or supplies.

(3) Notwithstanding the provisions of subsection (2) of this section, a brewer, dealer, or wholesaler, as an incident to merchandising in the ordinary course of business, and if available to all retailers within the brewer, dealer or wholesaler's service area, without discrimination, may lend, give, furnish or sell to a retailer, the following items:

(a) Necessary accessory equipment, such as shaft blowers, tapping devices, valves, beer hoses, washers, couplings, clamps, air hoses, vents, faucets, CO₂ gas regulators, picnic or party pumps, together with necessary nonmechanical or nonenergized equipment to enable cooling of beer, and CO₂ gas or ice when the same is furnished at the current retail price and as a bona fide sale in the regular course of business;

(b) Signs, posters, placards, designs, devices, decorations or graphic displays bearing advertising matter and for use in windows or elsewhere in the interior of a retail establishment. The brewer, dealer or wholesaler shall not directly or indirectly pay or credit the retailer for displaying such materials or for any expense incidental to their operation;

(c) Newspaper cuts, mats or engraved blocks for use in retailer's advertisements;

(d) Items such as sports schedules, posters, calendars, informational pamphlets, decals and other similar materials for display at the point of sale which bear brand advertising for beer prominently displayed thereon, and which items are intended for use by the retailer's customers off the licensed premises and which items are made available to the retailer's customers for such purpose;

(e) Temporary signs or banners displaying a brewer's, dealer's or wholesaler's name, trademark or label, which signs may be permitted to be temporarily displayed on the exterior portion of the retailer premises in connection with a special event, in accordance with such rules relating thereto as may be established by the director.

(4) A distributor may perform services incident to or in connection with the following:

(a) The stocking, rotation and restocking of beer sold and delivered to such licensed retailer on or in such licensed retailer's storeroom, salesroom shelves or refrigerating units, including the marking or remarking of containers of such beer to indicate the selling price as established by the retailer and to the arranging, rearranging, or relocating of advertising displays referred to in this section. For the purposes of this paragraph, a wholesaler may, with the permission of the retailer, and in accordance with space allocations directed by the retailer, set, remove, replace, reset or relocate all beer upon the shelves of the retailer. Labor performed or schematics prepared by the wholesaler relating to conduct authorized pursuant to this paragraph shall not constitute prohibited conduct or unlawful aid to a retailer;

(b) (i) The inspection of a licensed retailer's draught equipment to insure sanitation and quality control;

(ii) The instruction of licensed retailers in the proper use, maintenance and care of draught equipment, glasses and products used in the sale and dispensing of beer and the preparation and distribution of written information or instructions to licensed retailers with respect thereto;

(iii) The tapping of kegs;

(iv) A wholesaler may perform such services as may be required to maintain sanitation or quality control and which are incident to the repair and cleaning of a retailer's draught beer equipment and may furnish or sell the necessary equipment and repair parts and cleaning supplies required in the performance of such services.

(5) A wholesaler may assist a retailer by temporarily providing storage of the retailer's beer for a period not in excess of seven (7) days in the event that such storage is necessary to maintain the quality of such beer during a temporary loss or failure of the retailer's refrigeration equipment.

(6) A brewery, dealer or wholesaler may furnish or give to a retailer authorized to sell beer for consumption on the licensed premises, for sampling purposes only, a container of beer containing not more than sixty-four (64) ounces, not currently being sold by the retailer, and which container is clearly marked "NOT FOR SALE -- FOR SAMPLING PURPOSES ONLY."

(7) The word "ale" or "malt liquor" may be substituted for "beer" on any sign used in connection with any advertising herein permitted, provided reference shall be to ale or malt liquor which has an alcoholic content not greater than the limitation prescribed in section 23-1002, Idaho Code.

(8) Every violation of the provisions of this section by a dealer, brewer or wholesaler, in which a licensed retailer shall have actively participated shall constitute a violation on the part of such licensed retailer.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved April 4, 2024

CHAPTER 280
(S.B. No. 1442)

AN ACT

RELATING TO THE APPROPRIATION TO THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; APPROPRIATING ADDITIONAL MONEYS TO THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES FOR FISCAL YEAR 2025; REDUCING THE APPROPRIATION FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES FOR FISCAL YEAR 2025; REQUIRING A REPORT ON FUND BALANCES; PROVIDING REAPPROPRIATION AUTHORITY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the Division of Occupational and Professional Licenses the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2024, through June 30, 2025:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. BUILDING CONSTRUCTION AND REAL ESTATE:					
FROM:					
State Regulatory					
Fund	\$2,370,800	\$706,800	\$1,069,000		\$4,146,600
Miscellaneous Revenue/ Industrial Safety					
Fund	12,100				12,100
Miscellaneous Revenue/ Logging					
Fund	5,800				5,800
Federal Grant					
Fund	<u>2,100</u>	<u>0</u>	<u>0</u>		<u>2,100</u>
TOTAL	\$2,390,800	\$706,800	\$1,069,000		\$4,166,600
II. OCCUPATIONAL LICENSES:					
FROM:					
State Regulatory					
Fund	\$878,600	\$137,900	\$25,000		\$1,041,500
III. HEALTH PROFESSIONS:					
FROM:					
State-Directed Opioid Settlement					
Fund				\$350,000	\$350,000
State Regulatory					
Fund	<u>\$836,000</u>	<u>\$206,200</u>		<u>0</u>	<u>1,042,200</u>
TOTAL	\$836,000	\$206,200		\$350,000	\$1,392,200
GRAND TOTAL	\$4,105,400	\$1,050,900	\$1,094,000	\$350,000	\$6,600,300

SECTION 2. Notwithstanding any other provision of law to the contrary, the appropriation made to the Division of Occupational and Professional Licenses is hereby reduced by the following amounts for the Administration Program according to the designated expense classes from the State Regulatory Fund for the period July 1, 2024, through June 30, 2025:

FOR:	
Personnel Costs	\$3,705,000
Operating Expenditures	<u>109,500</u>
TOTAL	\$3,814,500

SECTION 3. REPORTING ON FUND BALANCES. The Division of Occupational and Professional Licenses shall provide a report by December 1, 2024, to the Joint Finance-Appropriations Committee, to the relevant germane legislative committees, and to the Legislative Services Office Division of Budget and Policy Analysis detailing the year-end cash balances for all fund details of the Occupational Licenses Fund. If the year-end cash balance of any fund detail exceeds 125% of the five-year rolling average of expenditures, the Division of Occupational and Professional Licenses shall present a plan to the Legislature for reducing fund balances, including but not limited

to fee reductions and holidays. If the year-end cash balance of any fund detail drops below 30% of the five-year rolling average of expenditures, the Division of Occupational and Professional Licenses shall present a plan to the Legislature for rectifying the low fund balance, including but not limited to fee increases. The format of the report and information contained therein shall be determined by the Legislative Services Office Legislative Audits and Budget and Policy Analysis divisions no later than August 1, 2024.

SECTION 4. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Division of Occupational and Professional Licenses any unexpended and unencumbered balances appropriated or reappropriated to the Division of Occupational and Professional Licenses from the Occupational Licenses Fund for fiscal year 2024, in an amount not to exceed \$6,054,000 from the Occupational Licenses Fund for costs directly related to the procurement and operation of a commercial licensing information system, to be used for nonrecurring expenditures for the period July 1, 2024, through June 30, 2025. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved April 4, 2024

CHAPTER 281
(S.B. No. 1447)

AN ACT

RELATING TO APPROPRIATIONS OF MONEYS FOR FISCAL YEARS 2024 AND 2025; APPROPRIATING AND TRANSFERRING MONEYS FROM THE PUBLIC DEFENSE FUND TO THE GENERAL FUND FOR FISCAL YEAR 2024; LIMITING CASH TRANSFERS FROM THE BUDGET STABILIZATION FUND FOR FISCAL YEARS 2024 AND 2025; AND DECLARING AN EMERGENCY.

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

SECTION 1. FISCAL YEAR 2024 CASH TRANSFER TO THE GENERAL FUND. There is hereby appropriated and the Office of the State Controller shall transfer \$36,000,000 from the Public Defense Fund to the General Fund as soon as practicable for the period July 1, 2023, through June 30, 2024.

SECTION 2. CASH TRANSFERS FROM THE BUDGET STABILIZATION FUND IN FISCAL YEARS 2024 AND 2025. Notwithstanding the provisions of Section 57-814, Idaho Code, which limits the allowable balance in the Budget Stabilization Fund to fifteen percent (15%) of total General Fund receipts for the fiscal year just ending and requires the Office of the State Controller to transfer excess moneys in the Budget Stabilization Fund back to the General Fund, and any other provision of law to the contrary, the Office of the State Controller shall not transfer funds from the Budget Stabilization Fund to the General Fund for the period June 1, 2024, through June 30, 2025.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after passage and approval.

Approved April 4, 2024

CHAPTER 282
(S.B. No. 1451)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF CORRECTION; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF CORRECTION FOR FISCAL YEAR 2025; REDUCING MONEYS TO THE DEPARTMENT OF CORRECTION FOR FISCAL YEAR 2025; AUTHORIZING ADDITIONAL FULL-TIME EQUIVALENT POSITIONS; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF CORRECTION FOR FISCAL YEAR 2024; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF CORRECTION FOR FISCAL YEAR 2024; AND DECLARING AN EMERGENCY AND PROVIDING EFFECTIVE DATES.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the Department of Correction the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2024, through June 30, 2025:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. MANAGEMENT SERVICES:				
FROM:				
General				
Fund	\$2,297,800	\$1,962,100	\$500	\$4,260,400
Inmate Labor				
Fund	2,600			2,600
Parolee Supervision				
Fund	19,200			19,200
Miscellaneous Revenue				
Fund	<u>36,000</u>	<u>491,500</u>	<u>0</u>	<u>527,500</u>
TOTAL	\$2,355,600	\$2,453,600	\$500	\$4,809,700
II. STATE PRISONS:				
A. PRISONS ADMINISTRATION:				
FROM:				
General				
Fund	\$1,204,900	\$47,000		\$1,251,900
Miscellaneous Revenue				
Fund	4,400			4,400
Penitentiary Endowment Income				
Fund		285,800	\$426,000	711,800
Federal Grant				
Fund	<u>9,400</u>	<u>0</u>	<u>0</u>	<u>9,400</u>
TOTAL	\$1,218,700	\$332,800	\$426,000	\$1,977,500

B. IDAHO STATE CORRECTIONAL INSTITUTION - BOISE:

FROM:

General

Fund	\$934,300			\$934,300
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Miscellaneous Revenue

Fund	<u>17,600</u>	<u>\$450,500</u>	<u>\$1,209,000</u>	<u>1,677,100</u>
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TOTAL	\$951,900	\$450,500	\$1,209,000	\$2,611,400
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C. IDAHO STATE CORRECTIONAL CENTER - BOISE:

FROM:

General

Fund	\$918,500			\$918,500
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Inmate Labor

Fund			\$189,000	189,000
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Penitentiary Endowment Income

Fund	<u>0</u>		<u>549,600</u>	<u>549,600</u>
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TOTAL	\$918,500		\$738,600	\$1,657,100
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D. IDAHO CORRECTIONAL INSTITUTION - OROFINO:

FROM:

General

Fund	\$324,800			\$324,800
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Inmate Labor

Fund	62,000			62,000
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Miscellaneous Revenue

Fund	2,900			2,900
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Penitentiary Endowment Income

Fund	<u>0</u>	<u>\$5,200</u>		<u>5,200</u>
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TOTAL	\$389,700	\$5,200		\$394,900
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E. IDAHO MAXIMUM SECURITY INSTITUTION - BOISE:

FROM:

General

Fund	\$550,600			\$550,600
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Miscellaneous Revenue

Fund		\$5,000	\$130,000	135,000
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Penitentiary Endowment Income

Fund	<u>0</u>	<u>15,600</u>	<u>187,600</u>	<u>203,200</u>
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TOTAL	\$550,600	\$20,600	\$317,600	\$888,800
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F. NORTH IDAHO CORRECTIONAL INSTITUTION - COTTONWOOD:

FROM:

General

Fund	\$162,900			\$162,900
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Miscellaneous Revenue

Fund	900			900
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Penitentiary Endowment Income

Fund	<u>0</u>	<u>\$41,600</u>	<u>\$231,700</u>	<u>273,300</u>
TOTAL	\$163,800	\$41,600	\$231,700	\$437,100

G. SOUTH IDAHO CORRECTIONAL INSTITUTION - BOISE:

FROM:

General

Fund	\$1,281,700			\$1,281,700
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Inmate Labor

Fund	1,326,200	\$91,000	\$431,400	1,848,600
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Miscellaneous Revenue

Fund	9,000			9,000
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Penitentiary Endowment Income

Fund	<u>0</u>	<u>0</u>	<u>376,500</u>	<u>376,500</u>
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TOTAL	\$2,616,900	\$91,000	\$807,900	\$3,515,800
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H. ST. ANTHONY WORK CAMP:

FROM:

General

Fund	\$160,900			\$160,900
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Inmate Labor

Fund	65,900			65,900
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Penitentiary Endowment Income

Fund	<u>0</u>	<u>\$2,700</u>	<u>\$179,800</u>	<u>182,500</u>
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TOTAL	\$226,800	\$2,700	\$179,800	\$409,300
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I. POCATELLO WOMEN'S CORRECTIONAL CENTER:

FROM:

General

Fund	\$227,900			\$227,900
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Inmate Labor

Fund	154,800			154,800
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Miscellaneous Revenue

Fund	11,500			11,500
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Penitentiary Endowment Income

Fund	<u>0</u>		<u>\$101,400</u>	<u>101,400</u>
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TOTAL	\$394,200		\$101,400	\$495,600
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J. SOUTH BOISE WOMEN'S CORRECTIONAL CENTER:

FROM:

General

Fund	\$269,700			\$269,700
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K. CORRECTIONAL ALTERNATIVE PLACEMENT:

FROM:

General

Fund	\$403,300			\$403,300
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DIVISION TOTAL	\$8,104,100	\$944,400	\$4,012,000	\$13,060,500
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III. COUNTY & OUT-OF-STATE PLACEMENT:

FROM:

General

Fund		\$1,923,700		\$1,923,700
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IV. COMMUNITY CORRECTIONS:

A. COMMUNITY SUPERVISION:

FROM:

General

Fund	\$2,288,600	\$190,800	\$226,200	\$2,705,600
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Parolee Supervision

Fund	222,300			222,300
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Drug and Mental Health Court Supervision

Fund	26,600			26,600
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Miscellaneous Revenue

Fund	3,000	8,400	300,700	312,100
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Federal Grant

Fund	<u>1,400</u>	<u>0</u>	<u>0</u>	<u>1,400</u>
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TOTAL	\$2,541,900	\$199,200	\$526,900	\$3,268,000
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B. COMMUNITY REENTRY CENTERS:

FROM:

General

Fund	\$333,400	\$416,500	\$969,500	\$1,719,400
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State-Directed Opioid Settlement

Fund	156,800	440,300		597,100
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Inmate Labor

Fund	<u>2,204,600</u>	<u>265,400</u>	<u>443,500</u>	<u>2,913,500</u>
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TOTAL	\$2,694,800	\$1,122,200	\$1,413,000	\$5,230,000
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DIVISION TOTAL	\$5,236,700	\$1,321,400	\$1,939,900	\$8,498,000
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V. COMMUNITY-BASED SUBSTANCE ABUSE TREATMENT:

FROM:

General

Fund	\$144,300			\$144,300
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GRAND TOTAL	\$15,840,700	\$6,643,100	\$5,952,400	\$28,436,200
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SECTION 2. Notwithstanding any other provision of law to the contrary, the appropriation made to the Department of Correction is hereby reduced by the following amounts to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2024, through June 30, 2025:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
I. MANAGEMENT SERVICES:			
FROM:			
Inmate Labor			
Fund	\$163,000		\$163,000
II. STATE PRISONS:			
A. PRISONS ADMINISTRATION:			
FROM:			
Miscellaneous Revenue			
Fund	\$18,100		\$18,100
ARPA State Fiscal Recovery			
Fund	<u>0</u>	<u>\$500,000</u>	<u>500,000</u>
TOTAL	\$18,100	\$500,000	\$518,100
B. IDAHO STATE CORRECTIONAL INSTITUTION - BOISE:			
FROM:			
General			
Fund	\$1,107,800		\$1,107,800
Miscellaneous Revenue			
Fund	<u>10,000</u>		<u>10,000</u>
TOTAL	\$1,117,800		\$1,117,800
C. IDAHO STATE CORRECTIONAL CENTER - BOISE:			
FROM:			
General			
Fund	\$1,450,000		\$1,450,000
D. IDAHO CORRECTIONAL INSTITUTION - OROFINO:			
FROM:			
General			
Fund	\$300,000		\$300,000
E. IDAHO MAXIMUM SECURITY INSTITUTION - BOISE:			
FROM:			
General			
Fund	\$700,000		\$700,000

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
F. ST. ANTHONY WORK CAMP:			
FROM:			
General			
Fund	\$90,000		\$90,000
G. POCATELLO WOMEN'S CORRECTIONAL CENTER:			
FROM:			
General			
Fund	\$200,000		\$200,000
DIVISION TOTAL	\$3,875,900	\$500,000	\$4,375,900
III. COMMUNITY CORRECTIONS:			
A. COMMUNITY SUPERVISION:			
FROM:			
Parolee Supervision			
Fund	\$14,000		\$14,000
IV. MEDICAL SERVICES:			
FROM:			
General			
Fund		\$4,899,100	\$4,899,100
GRAND TOTAL	\$4,052,900	\$5,399,100	\$9,452,000

SECTION 3. FTP AUTHORIZATION. In addition to any other authorization provided by law, the full-time equivalent position authorization provided to the Department of Correction is hereby increased by eighty-four (84.00) for the period July 1, 2024, through June 30, 2025.

SECTION 4. In addition to the appropriation made in Section 1, Chapter 187, Laws of 2023, and any other appropriation provided for by law, there is hereby appropriated to the Department of Correction, the following amounts to be expended for the designated programs and expense classes from the listed funds for the period July 1, 2023, through June 30, 2024:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. MANAGEMENT SERVICES:				
FROM:				
General				
Fund		\$433,600	\$996,100	\$1,429,700
Technology Infrastructure Stabilization				
Fund		<u>1,100,000</u>	<u>100,000</u>	<u>1,200,000</u>
TOTAL		\$1,533,600	\$1,096,100	\$2,629,700
II. STATE PRISONS:				
A. PRISONS ADMINISTRATION:				
FROM:				
Federal Grant				
Fund		\$402,000		\$402,000
III. COUNTY & OUT-OF-STATE PLACEMENT:				
FROM:				
General				
Fund		\$1,095,600		\$1,095,600
IV. COMMUNITY CORRECTIONS:				
A. COMMUNITY REENTRY CENTERS:				
FROM:				
Inmate Labor				
Fund	\$334,200	\$124,500	\$339,300	\$798,000
GRAND TOTAL	\$334,200	\$3,155,700	\$1,435,400	\$4,925,300

SECTION 5. Notwithstanding any other provision of law to the contrary, the appropriation made to the Department of Correction for the Medical Services Program in Section 1, Chapter 187, Laws of 2023, from the General Fund is hereby reduced by \$4,241,900 for operating expenditures for the period July 1, 2023, through June 30, 2024.

SECTION 6. An emergency existing therefor, which emergency is hereby declared to exist, Sections 4 and 5 of this act shall be in full force and effect on and after passage and approval, and Sections 1 through 3 of this act shall be in full force and effect on and after July 1, 2024.

Approved April 4, 2024

CHAPTER 283
(S.B. No. 1454)

AN ACT

RELATING TO THE APPROPRIATION TO THE EXECUTIVE OFFICE OF THE GOVERNOR; APPROPRIATING ADDITIONAL MONEYS TO THE EXECUTIVE OFFICE OF THE GOVERNOR FOR FISCAL YEAR 2025; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the Executive Office of the Governor the following amounts for the Administration Program to be expended according to the designated expense classes from the General Fund for the period July 1, 2024, through June 30, 2025:

FOR:

Personnel Costs	\$36,100
Operating Expenditures	40,000
Capital Outlay	<u>215,000</u>
TOTAL	\$291,100

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved April 4, 2024

CHAPTER 284
(S.B. No. 1381, As Amended in the House)

AN ACT

RELATING TO LIQUOR; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-903c, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING LICENSES ISSUED TO RESORT CITY RESTAURANTS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 9, Title 23, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 23-903c, Idaho Code, and to read as follows:

23-903c. LICENSES ISSUED TO RESORT CITY RESTAURANTS. (1) Resort city restaurant liquor license. Upon a finding of proof by the mayor and city council and subject to approval of the mayor and city council and notwithstanding the population limitations set forth in section 23-903(1), Idaho Code, nothing in this chapter shall prohibit the issuance of a resort city restaurant liquor license to the owner, operator, or lessee for use at a qualifying restaurant within the incorporated limits of a city that qualified as a resort city as of July 1, 2024, subject to the provisions of this section. For purposes of this section, "resort city" shall have the same meaning as provided in section 50-1044, Idaho Code, and means a city that is farther than fifteen (15) miles by road from any city with a population of

fifty thousand (50,000) or more as established in the last preceding census and has sewage flows that exceed low-season flows by twenty percent (20%) or more. "Restaurant" shall have the same meaning as provided in section 23-942, Idaho Code.

(2) Qualifying restaurant. To be eligible for issuance of a resort city restaurant liquor license, a restaurant shall demonstrate that the primary source of revenue from the operation of the restaurant to be licensed will be derived from food services and not from the sale of liquor. Subsequent license renewals shall be conditioned upon a showing that no less than sixty percent (60%) of gross sales from the preceding twelve (12) month operation of a licensed restaurant be derived from food services.

(3) (a) Restaurant operations. A restaurant selling liquor pursuant to a resort city restaurant liquor license shall abide by the following:

(i) Liquor shall be dispensed and prepared for consumption by a restaurant licensed pursuant to this section only in areas approved by the local licensing authority; and

(ii) All liquor sales shall cease at the time food sales and services cease. The local licensing authority may impose additional date and time restrictions on liquor sales.

(b) No resort city restaurant licensed pursuant to this section shall promote or operate the restaurant as a bar and lounge.

(4) (a) Licenses per city. No more than three (3) resort city restaurant liquor licenses may be issued for use within the incorporated limits of a single resort city. In the event the mayor and city council do not approve the proposed license, a license shall not be issued. Priority shall be given on a first-come, first-served basis according to date of application and the following:

(i) First to those who applied for a license within the incorporated city prior to July 1, 2024, contingent on the ability for actual use as a resort city restaurant liquor license; and

(ii) Second to those who apply for a resort city restaurant liquor license on or after July 1, 2024.

(b) Resort city liquor licenses shall not count toward the limitation on the number of licenses issued according to population, as provided in section 23-903(1), Idaho Code.

(5) Sale, lease, and transfer prohibited. A resort city restaurant liquor license may not be sold or leased and shall not be transferable to any other location, facility, or premises.

(6) The fees for licenses granted pursuant to this section shall be the same as those set forth in section 23-904(1), (2), and (3), Idaho Code.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved April 4, 2024

CHAPTER 285
(S.B. No. 1377)

AN ACT

RELATING TO BALLOT MEASURES; AMENDING SECTION 34-1807, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE CIRCULATION OF PETITIONS, TO PROVIDE CERTAIN REQUIREMENTS FOR PAID SIGNATURE GATHERERS, TO REVISE PROVISIONS REGARDING THE VERIFICATION OF PETITION AND SIGNATURE SHEETS, TO REVISE PROVISIONS REGARDING CERTAIN REQUIREMENTS FOR THE CERTIFICATION OF PETITION SIGNERS, AND TO PROVIDE CONDITIONS UNDER WHICH CERTAIN PETITIONS ARE DEEMED VOID AND TO MAKE A TECHNICAL CORRECTION; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 34-1807, Idaho Code, be, and the same is hereby amended to read as follows:

34-1807. CIRCULATION OF PETITIONS -- PAID SIGNATURE GATHERERS -- VERIFICATION OF PETITION AND SIGNATURE SHEETS -- CERTIFICATION OF PETITION SIGNERS -- CERTAIN PETITIONS AND SIGNATURES VOID. (1) Any person who circulates any petition for an initiative or referendum shall be a resident of the state of Idaho and at least eighteen (18) years of age.

(2) (a) Any person who accepts payment to circulate a petition for an initiative or referendum shall, prior to accepting a signature:

(i) Verbally notify any potential signatory that such person is accepting payment to gather signatures and provide the name of the person or entity providing payment to such person; and

(ii) Cause to be printed on each page of any petition for an initiative or referendum a prominent and legible declaration that such person is receiving payment in exchange for circulating the petition and the name of the person providing payment to such person.

(b) At all times a person is circulating a petition pursuant to paragraph (a) of this subsection, such person shall wear a badge that is clearly visible to any potential signatory and that contains the words "paid petition circulator" on it.

(c) The Idaho secretary of state shall promulgate rules to implement the provisions of this subsection, which shall provide details regarding the font specifications that shall be required for the printed declaration required under paragraph (a) (ii) of this subsection and the specifications regarding font, shape, color, and size requirements for the badge required under paragraph (b) of this subsection.

(3) Each and every sheet of every such petition containing signatures shall be verified on the face thereof in substantially the following form, by the person who circulated said sheet of said petition, by his or her affidavit thereon, and as a part thereof:

(a) For persons not accepting payment for circulating a petition:

State of Idaho)
) ss.
County of)

I, . . . , being first duly sworn, say: ~~That~~ that I am a resident of the State of Idaho and at least eighteen (18) years of age; that I have not and will not accept remuneration in any way related to the petition; that every person who signed this sheet of the foregoing petition signed his or her name thereto in my presence; that I believe that each has stated his or her name, address and residence correctly; and that each signer is a qualified elector of the State of Idaho, and a resident of the county of

Signed
Post office address

Subscribed and sworn to before me this day of
(Notary Seal) Notary Public
Residing at

(b) For persons accepting payment for circulating a petition:

State of Idaho)
) ss.
County of)

I, . . . , being first duly sworn, say that I am a resident of the state of Idaho and at least eighteen (18) years of age; that every person who signed this sheet of the foregoing petition signed his or her name thereto in my presence, after I verbally notified each individual signer that I will receive payment in exchange for gathering the signatures on this sheet; I believe that each has stated his or her name, address and residence correctly; that each signer is a qualified elector of the State of Idaho and a resident of the county of

I am accepting payment for the circulation of the foregoing petition by and the address of such payor is

Signed
Post office address

Subscribed and sworn to before me this day of
(Notary Seal) Notary Public
Residing at

~~(2)~~ (4) In addition to said affidavit, the county clerk shall carefully examine said petitions and strike from the petition any names for which he has determined that the name, address, or signature do not match and confirm that each name, address, and signature matches those of a qualified elector of the proper jurisdiction and that the petitions conform to all other provisions of this section. The county clerk shall attach to the signature sheets a certificate to the secretary of state substantially as follows:

State of Idaho)
) ss.
County of)

To the ~~honorable~~ Honorable , Secretary of State for the State of Idaho: I, , County Clerk of County, hereby certify that signatures on this petition are those of qualified electors in ~~legislative district number~~ Legislative District Number

Signed
County Clerk or Deputy.

(Seal of office)

~~(3)~~ (5) The county clerk shall deliver the petition or any part thereof to the person from whom he received it with his certificate attached thereto as above provided. The forms herein given are not mandatory and if substantially followed in any petition, it shall be sufficient, disregarding clerical and merely technical error.

~~(4)~~ (6) Any petition ~~upon~~ on which signatures are obtained by a person not a resident of the state of Idaho and at least eighteen (18) years of age shall be void. The definition of resident in section 34-107, Idaho Code, shall apply to the circulators of initiative and referendum petitions.

~~(5)~~ (7) Any signature that is not a physical signature, including an electronic signature, is void.

(8) Any petition for an initiative or referendum on which signatures are obtained that is circulated in violation of the disclosure provisions provided in subsection (2) of this section is void.

SECTION 2. SEVERABILITY. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this act.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved April 4, 2024

CHAPTER 286
(S.B. No. 1435)

AN ACT

RELATING TO THE APPROPRIATION TO THE IDAHO STATE POLICE; APPROPRIATING ADDITIONAL MONEYS TO THE IDAHO STATE POLICE FOR FISCAL YEAR 2025; REDUCING MONEYS TO THE IDAHO STATE POLICE FOR FISCAL YEAR 2025; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the Idaho State Police the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2024, through June 30, 2025:

	FOR	FOR	FOR	FOR	TOTAL
	PERSONNEL	OPERATING	CAPITAL	TRUSTEE AND	
	COSTS	EXPENDITURES	OUTLAY	BENEFIT	
				PAYMENTS	
I. BRAND INSPECTION:					
FROM:					
State Brand Board					
Fund	\$46,900	\$8,400	\$184,800		\$240,100
II. DIVISION OF IDAHO STATE POLICE:					
A. DIRECTOR'S OFFICE:					
FROM:					
General					
Fund	\$53,500	\$7,100	\$48,000		\$108,600
Idaho Law Enforcement (Project Choice)					
Fund	2,500				2,500
Miscellaneous Revenue					
Fund		4,400			4,400

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Federal Grant					
Fund	<u>1,100</u>	<u>0</u>	<u>0</u>		<u>1,100</u>
TOTAL	\$57,100	\$11,500	\$48,000		\$116,600
B. CAPITOL PROTECTIVE SERVICES:					
FROM:					
General					
Fund	\$39,800	\$1,300			\$41,100
Idaho Law Enforcement (Project Choice)					
Fund	79,100				79,100
Miscellaneous Revenue					
Fund	<u>8,700</u>	<u>0</u>			<u>8,700</u>
TOTAL	\$127,600	\$1,300			\$128,900
C. INVESTIGATIONS:					
FROM:					
General					
Fund	\$151,900	\$35,800	\$1,033,300		\$1,221,000
Idaho Law Enforcement (Project Choice)					
Fund	19,600				19,600
Federal Grant					
Fund	<u>2,500</u>	<u>0</u>	<u>0</u>		<u>2,500</u>
TOTAL	\$174,000	\$35,800	\$1,033,300		\$1,243,100
D. PATROL:					
FROM:					
General					
Fund	\$4,419,000	\$953,700	\$2,436,600		\$7,809,300
Alcohol Beverage Control					
Fund			300,000		300,000
Idaho Law Enforcement					
Fund	91,500		200,000		291,500
Idaho Law Enforcement (Project Choice)					
Fund	58,200				58,200
Hazardous Materials/Waste Enforcement					
Fund	9,900				9,900
Miscellaneous Revenue					
Fund			300,000		300,000
Federal Grant					
Fund	<u>36,300</u>	<u>6,600</u>	<u>14,400</u>	<u>\$1,634,600</u>	<u>1,691,900</u>
TOTAL	\$4,614,900	\$960,300	\$3,251,000	\$1,634,600	\$10,460,800

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
E. LAW ENFORCEMENT PROGRAMS:					
FROM:					
General					
Fund	\$2,300				\$2,300
Alcohol Beverage Control					
Fund	27,500	\$9,200	\$198,800		235,500
Idaho Law Enforcement (Project Choice)					
Fund	<u>71,800</u>	<u>0</u>	<u>0</u>		<u>71,800</u>
TOTAL	\$101,600	\$9,200	\$198,800		\$309,600
F. SUPPORT SERVICES:					
FROM:					
General					
Fund	\$55,000	\$10,300	\$575,000		\$640,300
Alcohol Beverage Control					
Fund	3,200				3,200
Idaho Law Enforcement (Project Choice)					
Fund	500				500
Idaho Law Enforcement Telecommunications					
Fund	18,100	58,400	4,800		81,300
Miscellaneous Revenue					
Fund	68,600	5,700	14,400		88,700
Federal Grant					
Fund	<u>47,000</u>	<u>0</u>	<u>0</u>		<u>47,000</u>
TOTAL	\$192,400	\$74,400	\$594,200		\$861,000
G. FORENSIC SERVICES:					
FROM:					
General					
Fund	\$89,800	\$197,700	\$188,000		\$475,500
Idaho Law Enforcement (Project Choice)					
Fund	8,000				8,000
Drug & DWUI Enforcement Donation					
Fund			30,000		30,000
Miscellaneous Revenue					
Fund	1,800				1,800
Federal Grant					
Fund	<u>15,100</u>	<u>2,101,300</u>	<u>0</u>		<u>2,116,400</u>
TOTAL	\$114,700	\$2,299,000	\$218,000		\$2,631,700
DIVISION TOTAL	\$5,382,300	\$3,391,500	\$5,343,300	\$1,634,600	\$15,751,700

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
III. POST ACADEMY:					
A. PEACE OFFICER STANDARDS AND TRAINING ACADEMY:					
FROM:					
Idaho Law Enforcement (Project Choice)					
Fund	\$500				\$500
Peace Officers Training					
Fund	<u>56,200</u>	<u>\$31,900</u>			<u>88,100</u>
TOTAL	\$56,700	\$31,900			\$88,600
IV. RACING COMMISSION:					
FROM:					
State Regulatory					
Fund	\$2,400	\$600			\$3,000
GRAND TOTAL	\$5,488,300	\$3,432,400	\$5,528,100	\$1,634,600	\$16,083,400

SECTION 2. Notwithstanding any other provision of law to the contrary, the appropriation made to Idaho State Police is hereby reduced by the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2024, through June 30, 2025:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
I. DIVISION OF IDAHO STATE POLICE:			
A. DIRECTOR'S OFFICE:			
FROM:			
Federal Grant			
Fund	\$1,200		\$1,200
B. INVESTIGATIONS:			
FROM:			
Idaho Law Enforcement (Project Choice)			
Fund	\$3,700		\$3,700
C. PATROL:			
FROM:			
Idaho Law Enforcement			
Fund	\$3,707,800	\$311,000	\$4,018,800
Idaho Law Enforcement (Project Choice)			
Fund	122,600		122,600
Miscellaneous Revenue			
Fund	41,200		41,200

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
Federal Grant			
Fund	<u>47,000</u>	<u>0</u>	<u>47,000</u>
TOTAL	\$3,918,600	\$311,000	\$4,229,600
D. LAW ENFORCEMENT PROGRAMS:			
FROM:			
Alcohol Beverage Control			
Fund	\$1,900		\$1,900
E. SUPPORT SERVICES:			
FROM:			
General			
Fund	\$400		\$400
Idaho Law Enforcement (Project Choice)			
Fund	<u>6,500</u>		<u>6,500</u>
TOTAL	\$6,900		\$6,900
F. FORENSIC SERVICES:			
FROM:			
General			
Fund	\$19,700		\$19,700
Miscellaneous Revenue			
Fund	<u>1,700</u>		<u>1,700</u>
TOTAL	\$21,400		\$21,400
DIVISION TOTAL	\$3,953,700	\$311,000	\$4,264,700
II. POST ACADEMY:			
A. PEACE OFFICER STANDARDS AND TRAINING ACADEMY:			
FROM:			
Idaho Law Enforcement (Project Choice)			
Fund	\$8,700		\$8,700
GRAND TOTAL	\$3,962,400	\$311,000	\$4,273,400

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved April 3, 2024

CHAPTER 287

(H.B. No. 708, As Amended in the Senate)

AN ACT

RELATING TO CORPORATIONS; AMENDING SECTION 30-501, IDAHO CODE, TO PROVIDE CERTAIN PROHIBITIONS ON THE FILING OF ARTICLES OF INCORPORATION BY THE STATE, TO PROVIDE EXCEPTIONS, AND TO DEFINE TERMS; AMENDING CHAPTER 5, TITLE 30, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 30-502, IDAHO CODE, TO PROVIDE FOR CERTAIN REPORTING AND TO PROVIDE FOR THE OPPORTUNITY OF CERTAIN CORPORATIONS TO BE REFORMED AS INDEPENDENT PUBLIC BODIES POLITIC AND CORPORATE, TO DISASSOCIATE FROM THE STATE OF IDAHO, OR TO BE REFORMED IN A MANNER THAT IS NOT AN IMPROPER STATE CORPORATION; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 30-501, Idaho Code, be, and the same is hereby amended to read as follows:

30-501. CORPORATIONS -- CONSTITUTION OF THE STATE OF IDAHO. (1) Every corporation organized for any lawful purpose or purposes, whether a general business corporation or a designated class of corporation, shall, by the act of filing incorporation documents with the state of Idaho, acknowledge and accept the provisions of the constitution of the state of Idaho and the provisions of this chapter as binding upon that corporation.

(2) Except as expressly authorized by the legislature through the enactment of general laws or pursuant to subsection (4) of this section, the state shall not file or cause to be filed on its behalf articles of incorporation for any corporation that is provided for in subsection (1) of this section. If any articles of incorporation are filed by the state or on its behalf without the authorization of the legislature as required pursuant to this subsection, the secretary of state shall not accept such articles of incorporation. In no instance shall the state constitute the voting majority of the board of directors or members of a corporation or its subsidiary. For purposes of this section, "state" means the state of Idaho, a state officer acting in an official capacity, a state employee acting within the scope of employment, or a state agency, department, division, bureau, board, commission, or institution.

(3) The state shall not file or cause to be filed on its behalf articles of incorporation for a corporation to carry out a purpose or function in lieu of the state or to receive or expend appropriated funds in furtherance of such purpose or function.

(4) It is not a violation of the provisions of this section for the state to:

(a) Create or to authorize the creation of an independent public body politic and corporate; or

(b) Associate with a corporation to provide a benefit to the state, provided that the state is not an owner, stockholder, or controlling member of such corporation.

(5) For the purposes of this section, "independent public body politic and corporate" means an entity that is:

(a) Created in statute to carry out a public purpose;

(b) Devoid of any private party with the right to control the entity or manage it; and

(c) Lacking any potential for private parties to change the fundamental structure or public purpose of the entity as provided for in the statute that created it.

SECTION 2. That Chapter 5, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 30-502, Idaho Code, and to read as follows:

30-502. IMPROPER STATE CORPORATIONS -- REPORTING -- OPPORTUNITY TO REFORM. (1) The provisions of this section shall apply to a corporation that:

- (a) Was incorporated prior to the effective date of this section;
- (b) Has assets or liabilities as of the effective date of this section or has valid contractual obligations that could be enforced against it;
- (c) Was created by the state, incorporated by the state, or authorized to be created by the state through some vote or action other than a general law enacted by the legislature. For purposes of this section, "state" shall have the same meaning as provided in section 30-501, Idaho Code; and
- (d) Was not dissolved or disassociated from the state prior to the effective date of this act.

(2) By January 1, 2025, a corporation shall submit a report to the office of the secretary of state that includes:

- (a) The name and mailing address of the corporation;
- (b) The names of the directors and officers of the corporation;
- (c) Whether any of the directors are officials, employees, or agents of the state of Idaho or represent the interests of the state of Idaho on the board of directors and, if so, whether the identified directors hold a voting or non-voting position;
- (d) The date that the corporation was established;
- (e) Whether the corporation is in good standing with the Idaho secretary of state;
- (f) A description of the corporation's purpose;
- (g) Whether the corporation continues to fulfill the purpose for which it was created and is necessary;
- (h) Whether the corporation was established pursuant to approval by the legislature and, if so, evidence of such approval;
- (i) Specific federal income tax type and specific classification;
- (j) Internet links to the organization's website, if any, and, if applicable, to information about the nonprofit corporation on the Idaho secretary of state's website;
- (k) A copy of the corporation's current bylaws; and
- (l) Identification of all contracts or written agreements between the corporation and the state, if any, and for any such contracts, the identification of any language addressing state obligations or liabilities or language that prevents the loaning or donation of public credit.

(3) (a) A corporation that self-reports pursuant to this section shall:

- (i) By statute, be reformed by the legislature as an independent public body politic and corporate;
- (ii) Dissolve or otherwise disassociate from the state by July 1, 2025; or
- (iii) Reform as authorized by the legislature pursuant to paragraph (b) of this subsection.

(b) A corporation may reform in a manner such that it is not an improper state corporation by:

- (i) Complying with the requirements of subsection (2) of this section; and
- (ii) Providing a financial report to the office of the state treasurer that shows the assets and liabilities of the corporation for the most recent fiscal year.

(4) By July 1, 2025, the office of the secretary of state shall deliver a report summarizing and containing the materials it has received pursuant to subsection (2) of this section to the governor, the president pro tempore of the senate, and the speaker of the house of representatives. The report

shall contain a list of corporations that have self-reported. The report may also indicate whether corporations that have self-reported intend to be reformed pursuant to subsection (3) (a) (i) of this section by the legislature as independent public bodies politic and corporate. The report may also include a list of nonprofit corporations that have voluntarily disassociated from the state of Idaho pursuant to the provisions of this section.

(5) By July 1, 2025, the office of the state treasurer shall deliver a report summarizing and containing the materials it has received pursuant to subsection (3) (b) of this section to the governor, the president pro tempore of the senate, and the speaker of the house of representatives.

(6) A corporation that does not self-report pursuant to the provisions of subsection (2) of this section or that frustrates the reform or disassociation procedures provided for in this section shall be considered to be in violation of the provisions of section 30-501, Idaho Code, and shall not be recognized as a corporation under Idaho law.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved April 3, 2024

CHAPTER 288

(H.B. No. 398, As Amended in the Senate)

AN ACT

RELATING TO MEDICAID; AMENDING CHAPTER 2, TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 56-270, IDAHO CODE, TO PROVIDE FOR LEGISLATIVE APPROVAL OF STATE PLAN AMENDMENTS AND CERTAIN WAIVERS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 2, Title 56, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 56-270, Idaho Code, and to read as follows:

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

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

Approved April 4, 2024

CHAPTER 289
(S.B. No. 1448)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF COMMERCE; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF COMMERCE FOR FISCAL YEAR 2025; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF COMMERCE FOR FISCAL YEAR 2025; PROVIDING REQUIREMENTS FOR BROADBAND FUNDING FROM THE INFRASTRUCTURE INVESTMENT AND JOBS ACT; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the Department of Commerce the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2024, through June 30, 2025:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. COMMERCE:				
FROM:				
General				
Fund	\$95,300	\$70,000		\$165,300
Tourism and Promotion				
Fund	21,200			21,200
ARPA Capital Projects				
Fund	2,500			2,500
Federal Grant				
Fund	<u>9,900</u>	<u>0</u>		<u>9,900</u>
TOTAL	\$128,900	\$70,000		\$198,900
II. BROADBAND OFFICE:				
FROM:				
General				
Fund	\$216,000	\$20,000		\$236,000
ARPA Capital Projects				
Fund	306,000			306,000
Federal Grant				
Fund	<u>306,000</u>	<u>1,675,000</u>	<u>\$148,025,000</u>	<u>150,006,000</u>
TOTAL	\$828,000	\$1,695,000	\$148,025,000	\$150,548,000
GRAND TOTAL	\$956,900	\$1,765,000	\$148,025,000	\$150,746,900

SECTION 2. Notwithstanding any other provision of law to the contrary, the appropriation made to the Department of Commerce is hereby reduced by the following amounts according to the designated programs and expense classes from the listed funds for the period July 1, 2024, through June 30, 2025:

	FOR	FOR	FOR	
	PERSONNEL	OPERATING	TRUSTEE AND	
	COSTS	EXPENDITURES	BENEFIT	TOTAL
			PAYMENTS	
FROM:				
General				
Fund	\$216,000	\$20,000	\$1,000,000	\$1,236,000
ARPA Capital Projects				
Fund	306,000			306,000
Federal Grant				
Fund	<u>306,000</u>	<u>1,675,000</u>	<u>148,025,000</u>	<u>150,006,000</u>
TOTAL	\$828,000	\$1,695,000	\$149,025,000	\$151,548,000

SECTION 3. BROADBAND FUNDING FROM THE INFRASTRUCTURE INVESTMENT AND JOBS ACT. It is the intent of the Legislature to provide approximately \$588,000,000 of Infrastructure Investment and Jobs Act (IIJA) funding for broadband to connect unserved and underserved households in Idaho until the grant is complete. Funds for broadband grants are approved by the Idaho Broadband Advisory Board and administered by the Idaho Office of Broadband.

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved April 8, 2024

CHAPTER 290
(H.B. No. 741)

AN ACT

RELATING TO THE IDAHO LAUNCH GRANT PROGRAM; AMENDING SECTION 72-1204, IDAHO CODE, TO DEFINE A TERM AND TO REVISE DEFINITIONS; AMENDING SECTION 72-1205, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE IDAHO LAUNCH GRANT PROGRAM AND THE PRIORITIZATION OF GRANT AWARDS; AMENDING SECTION 72-1206, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE IN-DEMAND CAREERS FUND; AMENDING SECTION 33-4602, IDAHO CODE, TO REMOVE A PROVISION REGARDING THE TRANSFER OF CERTAIN FUNDS TO THE IN-DEMAND CAREERS FUND; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 72-1204, Idaho Code, be, and the same is hereby amended to read as follows:

72-1204. IDAHO LAUNCH GRANT PROGRAM AND IN-DEMAND CAREERS FUND -- DEFINITIONS. (1) As used in this section through section 72-1206, Idaho Code:

- (a) "Board" means the state board of education.
- (b) "Council" means the workforce development council established in this chapter.

(c) "Eligible adult learner" means an Idaho resident who is pursuing education or training for an in-demand career.

(d) "Eligible coursework" means courses or training necessary for the completion of a participant's declared in-demand career.

~~(d)~~ (e) "Eligible education expenses" means student tuition and fees at an eligible institution for eligible coursework; however, in no case shall the council reimburse more than eighty percent (80%) of a program's total tuition and fees or more than eight thousand dollars (\$8,000), whichever is less.

~~(e)~~ (f) "Eligible institution" means a training provider as recognized by the council under the workforce innovation and opportunity act or the workforce development training fund. Eligible institution also means a board of trustees of a community college established pursuant to the provisions of chapter 21, title 33, Idaho Code.

~~(f)~~ (g) "Eligible student" means a student who:

(i) Is an Idaho resident;

(ii) Will graduate from an accredited high school or its equivalent in Idaho as determined by the board beginning with the spring 2024 graduating class;

(iii) Has enrolled in or applied to an eligible institution and begins enrollment in the fall semester following graduation, unless the council grants an extension for extenuating circumstances such as those outlined in section 72-1205, Idaho Code; and

(iv) Has used next steps Idaho or an equivalent career exploration program accepted by the council and has completed a career pathway plan that meets the minimum requirements established by the council.

~~(g)~~ (h) "Grant" means an amount to be determined by the council that shall not exceed eight thousand dollars (\$8,000) per eligible student.

~~(h)~~ (i) "Grant distribution platform" means a digital platform through which grant funds are transferred from the council to the account of a participant to be used for eligible education expenses.

~~(i) "In-demand careers" means careers that have a high number of openings in Idaho or an expected high rate of growth in Idaho. In-demand careers are to be determined annually by the council based on job market data and shall be submitted annually in a report to the legislature by January 1.~~

(j) "In-demand careers" means careers that have a positive economic output for the state of Idaho and increase economic mobility for the people of Idaho. Factors including but not limited to the number of job openings, the rate of job growth, and the length of the training program shall be incorporated to create a matrix of careers and training programs that align to in-demand careers. Careers that require a postbaccalaureate degree for entry into the profession shall not be included in the matrix or as an in-demand career.

~~(j)~~ (k) "Participant" means an Idaho resident for whom a grant is awarded under section 72-1205, Idaho Code, and who has met the minimum academic standards of, and has been accepted into, an eligible institution.

~~(k)~~ (l) "Program" means the Idaho launch grant program established by section 72-1205, Idaho Code.

~~(l)~~ (m) "Resident" means an individual meeting legal residency requirements as defined in section 33-3717B, Idaho Code.

(2) The provisions of this section shall be null, void, and of no force and effect on and after July 1, 2029.

SECTION 2. That Section 72-1205, Idaho Code, be, and the same is hereby amended to read as follows:

72-1205. IDAHO LAUNCH GRANT PROGRAM. (1) There is hereby established the Idaho launch grant program to be administered by the council according to the provisions of this section. The purpose of the program is to provide education grants for eligible students.

(2) In order to administer the program, the council shall consult with necessary agencies to:

(a) Create and administer, or designate a third party to create and administer, a grant distribution platform;

(b) Establish a grant application process for eligible students. To ensure eligible students receive notification prior to postsecondary institution enrollment deadlines, the council may stagger applications so that initial grant awards are announced by December 31 in the year preceding an eligible student's graduation from high school and that additional grant awards be made no later than June ± 30 of the academic year the eligible student graduates from high school. Additional grant award announcements may be made after such date based on the availability of funds;

(c) Award grants to eligible students, subject to legislative appropriation and to the following conditions, beginning with the graduating class of 2025:

(i) If eligible student applications exceed available funding in a fiscal year, grant awards shall be prioritized first based on the pursuit of an in-demand careers- and based on the highest rankings in the matrix established pursuant to section 72-1204(j), Idaho Code;

(ii) If additional funds remain, prioritization shall then be based on an eligible student's financial need as verified by the Idaho state tax commission using the prior year's tax return, most recent income documents, or other criteria determined by the workforce development council established in this chapter; and

~~(ii)~~ (iii) If available funding in a fiscal year exceeds eligible students, any unused appropriations may be used in accordance with section 72-1206(4), Idaho Code; and

(d) Take other such actions as are necessary to implement and enforce the provisions of this section.

(3) Participants must expend all grant funds within three (3) years of the award date. Any remaining funds after a break in enrollment exceeding six (6) months or unused funds at the end of the three (3) year period shall revert to the in-demand careers fund established in section 72-1206, Idaho Code. The council or its designated staff may grant an extension or exception by demonstrating to the council an extenuating circumstance, including but not limited to religious service, military service, structured volunteer service, or health or medical issues.

(4) No more than one half (1/2) of the initial grant award may be expended by a participant in any academic year; provided, however, that this subsection shall not apply:

(a) To a participant in a program that is less than twelve (12) months in length; or

(b) In other extenuating circumstances as determined by the council.

(5) Grant awards shall be capped at one (1) grant per eligible student.

(6) The council shall adopt policies outlining triggering events that may lead to earlier reversion of student grants or repayment grants, including but not limited to unsatisfactory academic progress, expulsion, or transfer to an out-of-state program prior to attainment of a credential or degree. Any reverted or repaid grants shall be paid to the in-demand careers fund established in section 72-1206, Idaho Code.

(7) The provisions of this section shall be null, void, and of no force and effect on and after July 1, 2029.

SECTION 3. That Section 72-1206, Idaho Code, be, and the same is hereby amended to read as follows:

72-1206. IN-DEMAND CAREERS FUND. (1) There is hereby established in the state treasury the in-demand careers fund.

(2) Moneys in the in-demand careers fund are subject to legislative appropriation and shall consist of the following:

- (a) Legislative appropriations;
- (b) Donations and contributions made to the fund;
- (c) Interest earned on idle moneys in the fund;
- (d) Moneys transferred pursuant to section 63-3638(17), Idaho Code; and

(e) Moneys reverted or repaid to the fund pursuant to section 72-1205, Idaho Code; ~~and~~

~~(f) Moneys transferred pursuant to section 33-4602(14), Idaho Code.~~

(3) The in-demand careers fund shall be used to award grants as outlined in section 72-1205, Idaho Code.

(4) When the available appropriation in a fiscal year exceeds participants, the council may use excess moneys as follows:

(a) Up to ten million dollars (\$10,000,000) of the remaining appropriation may be used to provide enhanced grant funding to either eligible students or eligible adult learners based upon the following conditions:

(i) If potential awards from the council exceed available funding from the enhanced grants, awards shall be prioritized first based on the pursuit of in-demand careers; and

(ii) If, following the prioritization provided for in subparagraph (i) of this paragraph, additional moneys remain for awards, prioritization shall then be based on financial need.

(b) The remaining appropriation shall be retained in the fund and be subject to legislative appropriation in subsequent legislative sessions for the purposes of expanding in-demand career training opportunities.

(5) By January 1 each year, the council shall report sufficient data to the legislature regarding:

(a) The number and demographics of eligible students applying for grants;

(b) The number and type of eligible institutions approved by the council;

(c) The list and matrix of in-demand careers prioritized by the council matrix and verified by the council pursuant to section 72-1204(j), Idaho Code;

(d) The number of grants awarded, the number of grants reverted, and demographics of participants; and

(e) Data to demonstrate the effectiveness of the program, including but not limited to program completion rates, satisfactory academic progress, job placement rates, and retention rates of participants in Idaho upon program completion.

SECTION 4. That Section 33-4602, Idaho Code, be, and the same is hereby amended to read as follows:

33-4602. ADVANCED OPPORTUNITIES -- RULEMAKING. (1) Students attending public schools in Idaho will be eligible for four thousand one hundred twenty-five dollars (\$4,125) to use toward overload courses, dual credits, postsecondary credit-bearing examinations, career technical certificate examinations, career technical education workforce training courses, college entrance examinations, and preliminary college entrance examinations. Students may access these funds in grades 7 through 12 for:

(a) Overload courses, the distribution of which may not exceed two hundred twenty-five dollars (\$225) per overload course. A student must take and successfully be completing a full credit load within a given school year to be eligible for funding of an overload course. An overload course must be taken for high school credit to be eligible for funding. To qualify as an eligible overload course for the program, the course must:

- (i) Be offered by a provider accredited by the organization that accredits Idaho public schools; and
- (ii) Be taught by an individual certified to teach the grade and subject area of the course in Idaho.

(b) Eligible dual credits, the distribution of which may not exceed seventy-five dollars (\$75.00) per one (1) dual credit hour. Dual credit courses must be offered by a regionally accredited postsecondary institution. To qualify as an eligible dual credit course, the course must be a credit-bearing 100 level course or higher.

(c) Eligible postsecondary credit-bearing or career technical certificate examinations. The state department of education shall maintain a list of eligible exams and costs. Eligible costs include the cost of the examination, proctor fees, and administrative fees. Eligible examinations include:

- (i) Advanced placement (AP);
- (ii) International baccalaureate (IB);
- (iii) College-level examination program (CLEP); and
- (iv) Career technical education examinations that lead to an industry-recognized certificate, license, or degree.

(d) CTE workforce training courses, such as federally registered apprenticeships, the distribution of which may not exceed five hundred dollars (\$500) per course and one thousand dollars (\$1,000) per year. The state department of education shall collaborate with the division of career technical education to maintain a list of eligible training courses and costs. Eligible training courses must:

- (i) Be provided by an Idaho public technical college;
- (ii) Lead to an industry-recognized certificate, license, or degree;
- (iii) Be required training for occupations deemed regionally in demand;
- (iv) Be courses that are not otherwise available at the student's high school; and
- (v) Allow high school-aged students to participate.

(e) College entrance examinations and preliminary college entrance examinations. The state department of education shall maintain a list of eligible examinations and costs, provided that a student may not use funds provided under this section to take the same examination more than once. Eligible costs include the cost of the examination, proctor fees, and administrative fees. Eligible examinations include the SAT, the PSAT, the ACT, and other similar examinations identified by the department.

(2) A student who has earned fifteen (15) postsecondary credits using the advanced opportunities program and who wishes to earn additional credits must first identify his postsecondary goals. Advisors shall counsel any student who wishes to take dual credit courses that the student should ascertain for himself whether the particular postsecondary institution that he desires to attend will accept the transfer of coursework credits under this section.

(3) These moneys may be used to pay an amount not to exceed the price to the student of such courses and examinations pursuant to the limitations stated in this section. These moneys shall not supplant existing program funds. Payments made under this section shall be made from the moneys appropriated for the educational support program. No later than January 15, the state department of education shall annually report to the education committees of the senate and the house of representatives details regarding the number of students benefiting from assistance with the cost of overload courses, dual credit courses and examinations, the number of credits awarded and amounts paid pursuant to this section during the previous school year.

(4) The board of each public school may set forth criteria by which a student may challenge a course. If a student successfully meets the criteria set forth by the board of the public school, then the student shall be counted as having completed all required coursework for that course. The public school, with the exception of Idaho tribal schools, shall be funded for such students based upon either actual hours of attendance or the course that the student has successfully passed, whichever is more advantageous to the public school, up to the maximum of one (1) full-time student.

(5) Any student who successfully completes public school grades 1 through 12 curriculum at least one (1) year early shall be eligible for an advanced opportunities scholarship. The scholarship may be used for tuition and fees at any Idaho public postsecondary educational institution. The amount of the scholarship shall equal thirty-five percent (35%) of the statewide average daily attendance-driven funding per enrolled pupil for each year of grades 1 through 12 curriculum avoided by the student's early graduation. Each public school shall receive an amount equal to each such awarded scholarship for each student that graduates early from that public school. Students must apply for the scholarship within two (2) years of graduating from a public school.

(6) The state department of education shall reimburse public schools or public postsecondary educational institutions, as applicable, for such costs, up to the stated limits, within one hundred twenty-five (125) days of receiving the necessary data upon which reimbursements may be paid. The submission method and timelines of reimbursement data shall be determined by the state department of education. Payments will be made only for activity occurring and reported within each fiscal year.

(7) For public funding purposes, average daily attendance shall be counted as normal for students participating in dual credit courses pursuant to this section.

(8) If a student fails to earn credit or successfully complete a course for which the department has paid a reimbursement, the student must pay for and successfully earn credit or complete one (1) like course before the state department of education may pay any further reimbursements for the student. If a student performs inadequately on an examination for which the state department of education has paid a reimbursement, the public school shall determine whether the student must pay for and successfully pass such examination to continue receiving state funding. Repeated and remedial courses or examinations are not eligible for funding through these programs.

(9) The state department of education shall reimburse community colleges or counties, as applicable, for any out-of-district county tuition pursuant to section 33-2110A, Idaho Code. Such reimbursements shall be in an amount not to exceed fifty dollars (\$50.00) per credit hour and only for dual credit courses taken pursuant to this section.

(10) Public schools shall establish timelines and requirements for participation in the program, including implementing procedures for the appropriate transcription of credits, reporting of program participation and financial transaction requirements. Public schools shall make reasonable efforts to ensure that any student who considers participating in the program also considers the challenges and time necessary to succeed in the program, and schools shall make reasonable efforts to include guidance on how the student's participation in the program contributes to prospective college and career pathways. Such efforts by the district shall be performed prior to a student participating in the program and throughout the student's involvement in the program.

(11) Policies and procedures for participating in the program established by the public school must be such that students have an opportunity to participate in the program and meet district-established timelines and requirements for financial transactions, transcribing credits and state department of education reporting. Participation in this program requires parent and student agreement to program requirements and completion of the state department of education's participation form documenting the program requirements.

(12) Parents of participating students may enroll their child in any eligible course, with or without the permission of the public school in which the student is enrolled. Tribal school students must follow their schools' enrollment policies and procedures. Public school personnel shall assist parents in the process of enrolling students in such courses. Each participating student's high school transcript at the public school at which the student is enrolled shall include the credits earned and grades received by the student for any overload or dual credit courses taken pursuant to this section. For an eligible course to be transcribed as meeting the requirements of a core subject as identified in administrative rule, the course must meet the approved content standards for the applicable subject and grade level.

(13) Participating public schools shall collaborate with Idaho public postsecondary educational institutions to assist students who seek to participate in dual credit courses or graduate from high school early by enrolling in postsecondary courses. Participating school districts, charter schools and Idaho public postsecondary educational institutions shall report to the state board of education and the education committees of the senate and the house of representatives any difficulties or obstacles they experience in providing assistance to participating students.

~~(14) If actual expenditures for the program pursuant to this section are less than the appropriation for the year, excess funds shall be transferred to the in-demand careers fund established in section 72-1206, Idaho Code, to further workforce training for in-demand careers.~~

~~(15)~~ (14) The state board of education may promulgate rules to implement the provisions of this chapter.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved April 8, 2024

CHAPTER 291
(H.B. No. 762)

AN ACT

RELATING TO THE APPROPRIATION TO THE STATE DEPARTMENT OF EDUCATION; APPROPRIATING ADDITIONAL MONEYS TO THE STATE DEPARTMENT OF EDUCATION FOR FISCAL YEAR 2025; AUTHORIZING ADDITIONAL FULL-TIME EQUIVALENT POSITIONS FOR FISCAL YEAR 2025; REQUIRING A REPORT ON SUICIDE PREVENTION; PROVIDING A LIMITATION FOR STANDARDS REVIEW AND ADOPTION PROGRAMS; PROVIDING REAPPROPRIATION AUTHORITY FOR THE CAREER READY STUDENTS PROGRAM; APPROPRIATING ADDITIONAL MONEYS TO THE STATE DEPARTMENT OF EDUCATION FOR THE STUDENT SERVICES PROGRAM FOR FISCAL YEAR 2024; AND DECLARING AN EMERGENCY AND PROVIDING EFFECTIVE DATES.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the State Department of Education the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2024, through June 30, 2025:

	FOR	FOR	FOR	FOR	TOTAL
	PERSONNEL	OPERATING	CAPITAL	TRUSTEE AND	
	COSTS	EXPENDITURES	OUTLAY	BENEFIT	
				PAYMENTS	
I. ADMINISTRATION:					
FROM:					
General					
Fund	\$122,100	\$6,000	\$800,000		\$928,100
Indirect Cost Recovery					
Fund	10,900	43,400			54,300
Public Instruction					
Fund	<u>8,900</u>	<u>26,500</u>	<u>0</u>		<u>35,400</u>
TOTAL	\$141,900	\$75,900	\$800,000		\$1,017,800
II. STUDENT SERVICES:					
FROM:					
General					
Fund	\$263,000	\$486,000		\$102,000	\$851,000
Indirect Cost Recovery					
Fund	1,800				1,800
Idaho Career Ready Students Program					
Fund				20,000,000	20,000,000
Driver's Training					
Fund	2,000	150,000			152,000
Public Instruction					
Fund	2,500				2,500
Miscellaneous Revenue					
Fund	5,500				5,500

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Public Schools Other Income					
Fund	1,800				1,800
Cigarette, Tobacco and Lottery Income Taxes					
Fund	1,900				1,900
Idaho Millennium Income					
Fund	800				800
American Rescue Plan					
Fund	292,500	3,145,900			3,438,400
Federal Grant					
Fund	<u>87,200</u>	<u>0</u>		<u>2,000,000</u>	<u>2,087,200</u>
TOTAL	\$659,000	\$3,781,900		\$22,102,000	\$26,542,900
GRAND TOTAL	\$800,900	\$3,857,800	\$800,000	\$22,102,000	\$27,560,700

SECTION 2. FTP AUTHORIZATION. In addition to any other authorization provided by law, the full-time equivalent position authorization provided to the State Department of Education is hereby increased by two and five tenths (2.50) for the period July 1, 2024, through June 30, 2025.

SECTION 3. SUICIDE PREVENTION. The State Department of Education shall provide a report on the utilization and implementation of funds appropriated for suicide prevention in schools. The report shall be submitted to the Legislative Services Office Budget and Policy Analysis Division no later than December 1, 2024.

SECTION 4. STANDARDS REVIEW AND ADOPTION PROGRAMS. Notwithstanding the provisions of Section 49-308, Idaho Code, and any other provision of law to the contrary, of the amounts appropriated in Section 1 of this act and any other appropriation provided by law from the Driver Training Fund, no more than \$150,000 shall be used for standards review and adoption programs.

SECTION 5. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the State Department of Education any unexpended balances appropriated to the State Department of Education from the Career Ready Students Fund for fiscal year 2024, in an amount not to exceed \$39,000,000 from the Career Ready Students Fund, to be used for nonrecurring expenditures related to the Career Ready Students Program for the period July 1, 2024, through June 30, 2025. The Office of the State Controller shall confirm the reappropriation amount by fund, expense class, and program, with the Legislative Services Office Budget and Policy Analysis Division prior to processing the reappropriation authorized herein.

SECTION 6. In addition to the appropriation made in Section 1, Chapter 189, Laws of 2023, and any other appropriation provided by law, there is hereby appropriated to the State Department of Education for the Student Services Program \$2,000,000 from the Federal Grant Fund to be expended for trustee and benefit payments for the period July 1, 2023, through June 30, 2024.

SECTION 7. An emergency existing therefor, which emergency is hereby declared to exist, Section 6 of this act shall be in full force and effect on and after passage and approval, and Sections 1 through 5 of this act shall be in full force and effect on and after July 1, 2024.

Approved April 8, 2024

CHAPTER 292
(H.B. No. 757)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF FACILITIES; APPROPRIATING ADDITIONAL MONEYS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF FACILITIES FOR FISCAL YEAR 2025; REDUCING THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF FACILITIES FOR FISCAL YEAR 2025; TRANSFERRING MONEYS FROM THE PUBLIC SCHOOL INCOME FUND TO THE GENERAL FUND FOR FISCAL YEAR 2025; CLARIFYING THE ORIGINAL FUND SOURCE FOR EXPENDITURES FOR THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF FACILITIES FOR FISCAL YEAR 2025; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the Public Schools Educational Support Program's Division of Facilities \$202,978,700 from the School District Facilities Fund for the period July 1, 2024, through June 30, 2025.

SECTION 2. Notwithstanding any other provision of law to the contrary, the appropriation made to the Public Schools Educational Support Program's Division of Facilities is hereby reduced by the following amounts from the listed funds for the period July 1, 2024, through June 30, 2025:

FROM:

Public School Income Fund	\$2,475,800
Bond Levy Equalization Fund	23,781,400
School District Building Account	<u>29,625,000</u>
TOTAL	\$55,882,200

SECTION 3. There is hereby appropriated and the Office of the State Controller shall transfer \$2,475,800 from the Public School Income Fund to the General Fund on July 1, 2024, or as soon thereafter as practicable for the period July 1, 2024, through June 30, 2025.

SECTION 4. Of the amounts reduced in Section 2 of this act for the Public Schools Educational Support Program's Division of Facilities, the following amounts shall be reduced from the amounts considered expended from the listed funds for the period July 1, 2024, through June 30, 2025.

FROM:

General Fund	\$2,475,800
Bond Levy Equalization Fund	23,781,400
School District Building Account	<u>29,625,000</u>
TOTAL	\$55,882,200

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved April 8, 2024

CHAPTER 293
(H.B. No. 761)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF TEACHERS; REDUCING THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF TEACHERS FOR FISCAL YEAR 2025; APPROPRIATING PUBLIC SCHOOL INCOME FUND MONEYS FOR TRANSFER TO THE GENERAL FUND FOR FISCAL YEAR 2025; CLARIFYING THE ORIGINAL FUND SOURCE FOR EXPENDITURES FOR THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF TEACHERS FOR FISCAL YEAR 2025; REDUCING THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF TEACHERS FOR FISCAL YEAR 2024; CLARIFYING THE ORIGINAL FUND SOURCE FOR EXPENDITURES FOR THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF TEACHERS FOR FISCAL YEAR 2024; AND DECLARING AN EMERGENCY AND PROVIDING EFFECTIVE DATES.

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

SECTION 1. Notwithstanding any other provision of law to the contrary, the appropriation made to the Public Schools Educational Support Program's Division of Teachers is hereby reduced by \$42,527,100 from the Public School Income Fund for the period July 1, 2024, through June 30, 2025.

SECTION 2. There is hereby appropriated and the Office of the State Controller shall transfer \$42,527,100 from the Public School Income Fund to the General Fund on July 1, 2024, or as soon thereafter as practicable for the period July 1, 2024, through June 30, 2025.

SECTION 3. Of the amounts reduced in Section 1 of this act for the Public School Support Program's Division of Teachers, \$42,527,100 shall be reduced from the amounts considered expended from the General Fund for the period July 1, 2024, through June 30, 2025.

SECTION 4. Notwithstanding any other provision of law to the contrary, the appropriation made to the Public Schools Educational Support Program's Division of Teachers in Section 1, Chapter 276, Laws of 2023, is hereby reduced by \$36,093,700 from the Public School Income Fund for the period July 1, 2023, through June 30, 2024.

SECTION 5. Of the amounts reduced in Section 4 of this act for the Public School Support Program's Division of Teachers, \$36,093,700 shall be reduced from the amounts considered expended from the General Fund for the period July 1, 2023, through June 30, 2024.

SECTION 6. An emergency existing therefor, which emergency is hereby declared to exist, Sections 4 and 5 of this act shall be in full force and effect on and after passage and approval, and Sections 1 through 3 of this act shall be in full force and effect on and after July 1, 2024.

Approved April 8, 2024

CHAPTER 294
(H.B. No. 754)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF INSURANCE FOR FISCAL YEAR 2025; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF INSURANCE FOR FISCAL YEAR 2025; AUTHORIZING ADDITIONAL FULL-TIME EQUIVALENT POSITIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the Department of Insurance \$132,400 for the Insurance Regulation Program from the Insurance Administrative Fund to be expended for personnel costs for the period July 1, 2024, through June 30, 2025.

SECTION 2. FTP AUTHORIZATION. In addition to any other authorization provided by law, the full-time equivalent position authorization provided to the Department of Insurance is hereby increased by one (1.00) for the period of July 1, 2024, through June 30, 2025.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved April 8, 2024

CHAPTER 295
(S.B. No. 1421)

AN ACT

RELATING TO LIQUOR; AMENDING SECTION 23-903, IDAHO CODE, TO REVISE PROVISIONS REGARDING A LICENSE TO RETAIL LIQUOR AND TO ESTABLISH PROVISIONS REGARDING THE TRANSFER AND ISSUANCE OF A LICENSE; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 23-903, Idaho Code, be, and the same is hereby amended to read as follows:

23-903. LICENSE TO RETAIL LIQUOR. (1) The director of the Idaho state police is hereby empowered, authorized, and directed to issue licenses to qualified applicants, as provided in this chapter, whereby the licensee shall be authorized and permitted to sell liquor by the drink at retail, and, upon the issuance of such license, the licensee shall be authorized to sell liquor at retail by the drink, but only in accordance with the rules promulgated by the director and the provisions of this chapter. No license shall be issued for the sale of liquor on any premises outside the incorporated limits of any city except as provided in this chapter, and the number of licenses so issued for any city shall not exceed one (1) license for each one thousand five hundred (1,500) of population of said city or fraction thereof, as established in the last preceding census, or any subsequent special census conducted by the United States census bureau or by an estimate that is statistically valid including adding the number of new residential utility connections or including adding the population of areas annexed into the city after the last census or special census was conducted, except that upon proper application thereof not more than two (2) licenses may be issued for each incorporated city with a population of one thousand five hundred (1,500) or less, unless the retail licensing of liquor by the drink has been previously disapproved under the provisions of sections 23-917, 23-918, 23-919, 23-920 and 23-921, Idaho Code; provided however, that any license heretofore issued may be renewed from year to year without regard to the population or status of the city for which such license is issued. Any license issued that has remained in effect at its location for a consecutive period of ten (10) years or more shall be deemed to have been validly issued and may be renewed from year to year, provided that the applicant for the renewal of such license is not otherwise disqualified for licensure pursuant to section 23-910, Idaho Code, and, if the premises required special characteristics for original licensure, other than being either within or without the incorporated limits of a city, that said premises continue to have such special characteristics at the time of the application for renewal.

(2) Nothing in this chapter shall prohibit the issuance of a license to the owner, operator, or lessee of an actual bona fide golf course whether located within or without the limits of any city, or located on premises also operated as a winery or ski resort, or to the lessee of any premises situate thereon, whether located within or without the limits of any city. For the purpose of this section, a golf course shall comprise an actual bona fide golf course, which is regularly used for the playing of the game of golf, having not less than nine (9) tees, fairways, and greens laid out and used in the usual and regular manner of a golf course. Nine (9) hole courses must have a total yardage of at least one thousand (1,000) yards, and eighteen (18) hole courses must have a total yardage of at least two thousand (2,000) yards as measured by totaling the tee-to-green distance of all holes. The course must be planted in grass except that it may provide artificial tee mats. Where any

such golf course is owned or leased by an association of members and is used or enjoyed by such members or their guests, none of the disqualifications contained in section 23-910, Idaho Code, shall apply to such association as a licensee where such disqualifications, or any of them, would apply only to a member of such association where such member has no interest therein except as a member thereof. Provided, a building that is located on a lake of not less than one hundred sixty (160) acres with not less than two hundred (200) feet of lake frontage, owned or leased and operated exclusively by an actual bona fide golf course licensed for the sale of liquor by the drink, as otherwise defined in this subsection, located not more than five tenths (.5) of a mile from the golf course exterior boundaries, and accessible by that golf course by private or public roadway or right-of-way shall be deemed part of and contiguous to the licensed golf course premises for purposes of the sale of liquor by the drink upon such premises.

(3) For purposes of this section, a ski resort shall comprise real property of not less than ten (10) acres in size, exclusive of the terrain used for skiing and upon which the owner, operator, or lessee of the ski resort has made available himself or through others, including but not limited to the owners of condominiums, permanent bona fide overnight accommodations available to the general public for one hundred (100) persons or more, and which real property is contiguous to or located within the area in which skiing occurs and is regularly operated as a ski resort in the wintertime where the owner, operator, or lessee of the ski resort is also the owner, operator, or lessee of the area served by a bona fide chair ski lift facility or facilities. Alternatively, for the purpose of this section, a ski resort may also be defined as a downhill ski area, open to the public, comprising real property of not less than two hundred fifty (250) skiable acres, operating two (2) or more chairlifts with a vertical lift of one thousand (1,000) feet or more, and capable of transporting a minimum of one thousand eight hundred (1,800) skiers per hour. A ski resort qualifying under this definition shall also have on the premises a lodge facility providing shelter and food service to the public, the operator of which shall also be the valid owner or lessee of the grounds and facilities upon which the ski resort offers downhill skiing services to the public. The fees for licenses granted to ski resorts shall be the same as those prescribed for golf courses as set forth in section 23-904, Idaho Code. Not more than one (1) licensed premises shall be permitted on any golf course or any ski resort or within the area comprising the same.

(4) Nothing in this chapter shall prohibit the issuance of a license to the owner, operator, or lessee of an actual bona fide equestrian facility located on not less than forty (40) contiguous acres, with permanently erected seating of not less than six thousand (6,000) seats, no part of which equestrian facility or the premises thereon is situate within the incorporated limits of any city, and which facility shall have at least three (3) days per year of a professionally sanctioned rodeo. Not more than one (1) licensed premises shall be permitted at any equestrian facility or within an area comprising such a facility. The fees for licenses granted to equestrian facilities shall be the same as those prescribed for golf courses as set forth in section 23-904, Idaho Code.

(5) Nothing in this chapter shall prohibit the issuance of a license to the owner, operator, or lessee of a restaurant operated on an airport owned or operated by a county or municipal corporation or on an airport owned or operated jointly by a county and municipal corporation, and which said airport is served by a trunk or local service air carrier holding a certificate of public convenience and necessity issued by the civil aeronautics board of the United States of America. Not more than one (1) license shall be issued on any airport.

(6) Nothing in this chapter shall prohibit the issuance of one (1) club license to a club as defined in section 23-902, Idaho Code. The holder of

a club license is authorized to sell and serve alcoholic beverages for consumption only within the licensed establishment owned, leased, or occupied by the club and only to bona fide members of the club and to bona fide members' guests. A club license issued pursuant to the provisions of this section is not transferable and may not be sold. Any club license issued pursuant to the provisions of this section will revert to the director when, in his judgment, the licensee ceases to operate as a bona fide club as defined in section 23-902, Idaho Code. No club may hold a liquor license and a club license simultaneously. A club that on July 1, 1983, holds a liquor license may continue to possess that license. Any club that possesses a liquor license on January 1, 1983, or thereafter, and then sells that liquor license, may not obtain a club license, and the director shall not issue a club license to that club for a period of five (5) years following such sale. The fee for any license issued to a qualifying club within an incorporated municipality shall be as prescribed in subsections (1), (2) and (3) of section 23-904, Idaho Code. The fee for any license issued to a qualifying club not situate within an incorporated municipality shall be as specified for golf courses under section 23-904(6), Idaho Code. The provisions of section 23-916, Idaho Code, regarding county and city licenses shall pertain to club licenses. The burden of producing sufficient documentation of qualifications for club licensure shall be with the club applicant.

(7) Nothing in this chapter to the contrary shall prohibit the issuance of a license to the owner, operator, or lessee of an actual bona fide convention center that is within the incorporated limits of a city having a population of three thousand (3,000) or greater, and which city does not have located therein a convention center with a valid convention center license to sell liquor by the drink. For the purpose of this section, a convention center means a facility having at least thirty-five thousand (35,000) square feet of floor space or a facility having at least one hundred twenty (120) sleeping rooms and an adjoining meeting room that will accommodate not less than three hundred fifty (350) persons, whether or not such room may be partitioned into smaller rooms, and provided that such meeting room shall contain at least three thousand (3,000) square feet of floor space. Such license must be placed in actual use in said convention center within one (1) year from the date of its issuance. The fee for any license issued to a qualifying convention center shall be as prescribed in subsection (3) of section 23-904, Idaho Code. The holder of a convention center license shall not be eligible for the issuance of a license in the same city pursuant to any other provision of this chapter. For purposes of this section, the term "holder" shall include an owner, operator, or lessee and shall include a stockholder, director, or officer of a corporation or a partner in a partnership, which corporation or partnership has been issued a convention center license pursuant to this chapter. Not more than one (1) licensed premises shall be permitted on any convention center or within the area comprising the same, including convention centers that also comprise golf courses or ski resorts as defined in this section.

(8) If an owner, operator, or lessee has a validly issued retail liquor by the drink license at the time of application, nothing in this chapter shall prohibit the issuance of a license to the owner, operator, or lessee of a food, beverage, and/or lodging facility that has been in continuous operation in the same location for at least seventy-five (75) years, except for temporary closings for refurbishing or reconstruction, or a food, beverage, and lodging facility serving the public by reservation only, having a minimum of five (5) rooms operating in a structure that has been in existence for at least seventy-five (75) years and has been on the historic register for a minimum of ten (10) years, is situated within five hundred (500) yards of a natural lake containing a minimum of thirty-six thousand (36,000) acre feet of water when full with a minimum of thirty-two (32) miles of shoreline, and is located in a county with a minimum population of sixty-five thousand

(65,000). The provisions of section 23-910, Idaho Code, shall apply to licenses issued to continuous operation facilities. The fees shall be the same as those prescribed for golf courses as set forth in section 23-904, Idaho Code. No license shall be issued under this subsection on or after July 1, 2028.

(9) Nothing in this chapter shall prohibit the issuance of a license to a federally recognized Indian tribe as defined in section 67-4001, Idaho Code, which is an owner, operator, or lessee of a food, conference, and lodging facility located within the boundaries of the Indian tribe's reservation and containing a minimum of thirty-five thousand (35,000) square feet and fifty (50) guest rooms. Licenses issued to Indian tribes are not transferable.

(10) Nothing in this chapter shall prohibit the issuance of a license to the owner, operator, or lessee of the lodging, dining, and entertainment facilities owned by a gondola resort complex and operated in conjunction with the other public services provided by a gondola resort complex located within the ownership/leasehold boundaries of a gondola resort complex. For purposes of this subsection, a gondola resort complex means an actual bona fide gondola capable of transporting people for recreational or entertainment purposes at least three (3) miles in length with a vertical rise of three thousand (3,000) feet, portions of which may be located within or over the limits of one (1) or more cities.

(11) Nothing in this chapter shall prohibit the issuance of a license to the owner, operator, or lessee of a winery also operating a golf course on the premises.

(12) Subject to approval of the mayor and city council, nothing in this chapter shall prohibit the issuance of a license to the owner, operator, or lessee of a food, conference, and lodging facility constructed after May 1, 2000, containing a minimum of thirty-five thousand (35,000) square feet and fifty-five (55) guest rooms with a minimum taxable value of three million dollars (\$3,000,000) in a city with a population of less than five thousand (5,000) according to the most recent census.

(13) Nothing in this chapter shall prohibit the issuance of a license to the owner, operator, or lessee of a conference and event center that is within the city limits of a resort city as defined in section 50-1044, Idaho Code, that has enacted local option nonproperty taxes in accordance with section 50-1046, Idaho Code, including, at the time of issuance, a resort city tax on sales of liquor by the drink, wine, and beer sold at retail for consumption on the licensed premises. There shall be only one (1) conference and event center license to sell liquor by the drink issued per resort city pursuant to this subsection. For the purposes of this section, a conference and event center means facilities situated on premises consisting of a building or buildings and the contiguous property owned or leased and under common ownership or control by the licensee. Such facilities must provide no less than four thousand (4,000) square feet of enclosed space for conference and event purposes, exclusive of space dedicated by the licensee to the commercial kitchen. The commercial kitchen must include a type 1 commercial hood and cooking equipment, exclusive of microwave ovens and grills. The fee for any license issued to a qualifying licensee shall be as prescribed in section 23-904(1), (2), or (3), Idaho Code, depending on the population of the resort city in which the conference and event center is located and as prescribed in section 23-916, Idaho Code. A license issued pursuant to this subsection may be renewed without regard to the population or status of the city for which the license was issued and without regard for the continuation of local option nonproperty taxes by the city, provided the applicant for renewal is not otherwise disqualified from licensure pursuant to section 23-910, Idaho Code. Not more than one (1) license shall be issued to a conference and event center. A conference and event center license shall not be transferable and may not be sold. For the purpose of issuance and

maintenance of a license under this subsection, such facilities may serve liquor only while such facilities are hosting a conference or event. Nothing in this subsection shall excuse a conference and event center from complying with actual use standards in title 23, Idaho Code, or administrative rules promulgated pursuant to statutory authority granted under this title.

(14) The provisions of section 23-910, Idaho Code, shall apply to licenses issued under the provisions of this section. The fees shall be the same as those prescribed for golf courses as set forth in section 23-904, Idaho Code. Except for licenses issued pursuant to subsection (1) of this section, licenses issued under the provisions of this section are not transferable to any other location, facility, or premises.

(15) A license issued pursuant to subsection (1) of this section on or after July 1, 2023:

(a) May not be sold or leased; transferred to another licensee except as provided in subsections (16) (a), (b), and (c) and subsection (18) of this section or section 23-950, Idaho Code, provided that the licensee must elect to associate such license with the real property at the time of the initial license issuance; and

~~(b) Shall not be transferable to any other location, facility, or premises; and~~

~~(c) (b) Shall not qualify for the discount established in section 23-217(2), Idaho Code.~~

(16) A license issued pursuant to subsection (1) of this section prior to July 1, 2023, may be ~~sold or transferred to another location, facility, or premises only once licensee one (1) time only~~ on or after July 1, 2023, and shall thereafter be nontransferable. ~~Prior to such sale or onetime-only transfer, the licensee shall be entitled to the discount established in section 23-217(2), Idaho Code. Subsequent to such sale or After any onetime-only transfer, the licensee placing the license in actual use shall not be entitled to such discount. For purposes of this subsection only, the following circumstances shall not qualify as a sale or onetime-only transfer:~~

~~(a) The license is inherited or otherwise acquired through a will, trust, or other estate-planning document;~~

~~(b) The license is given to a person by the person's parent, grandparent, child, grandchild, sibling, aunt, uncle, or first cousin without consideration or remuneration;~~

~~(c) A business or other entity with which the license is associated is sold or leased, and the license remains associated with such business or entity, provided that such business or entity must have occupied its location, facility, or premises at the time of sale or lease for at least one (1) year prior to the sale or lease, and provided further, that such business or entity may not move from its location, facility, or premises within one (1) year following the sale or lease. Any sale or lease that does not conform to the provisions of this paragraph shall be considered a sale or transfer; or~~

~~(c) To the extent not already included in paragraphs (a) and (b) of this subsection, any of the events listed in section 23-908(5) (a) through (e), Idaho Code;~~

~~(d) The sale of the business assets of an entity or individual licensee, including the transfer of an associated license placed in actual use, either owned or leased prior to July 1, 2023, to a qualified applicant, provided that:~~

~~(i) The transferring licensee has occupied its location, facility, or premises at the time of sale for at least one (1) year prior to the sale of business assets; and~~

~~(ii) The qualified new licensee operates at the same location, facility, or premises for one (1) year following the sale of assets and transfer of the associated liquor license placed in actual use. Any sale that does not conform to the provisions of this~~

paragraph shall be considered a onetime-only transfer of the license pursuant to this subsection;

(e) The sale or transfer of some or all of the ownership interests of an entity licensee to a qualified applicant provided that:

(i) The entity licensee has occupied its location, facility, or premises at the time of sale for at least one (1) year prior to the sale and transfer of the ownership interests; and

(ii) The existing entity licensee operates at the same location, facility, or premises for one (1) year following the closing of the sale or transfer of the ownership interests. Any sale that does not conform to the provisions of this paragraph shall be considered a onetime-only transfer of the license pursuant to this subsection;

~~(d) (f) The licensee owns, operates, or leases more than one (1) business or entity and transfers the license from one business or entity to another owned, operated, or leased by such licensee;~~

(g) A transfer pursuant to subsection (18) of this section; or

(h) A transfer pursuant to section 23-950, Idaho Code.

~~(17) If a license that was issued pursuant to subsection (1) of this section is was under lease before July 1, 2023, then such lease may continue pursuant to its own terms and may be amended or renewed, or such lease may be assigned to a purchaser pursuant to subsection (16) (d) or (e) of this section. At the end of the term of such lease, the license shall revert to the license owner's possession upon the conclusion of the lease period. Once such reversion occurs, the license owner may sell or transfer the license subject to the provisions of subsection (16) of this section. The license owner may sell such license subject to the provisions of subsection (16) of this section under an installment contract wherein such contract shall not exceed a term of five (5) years, and the license owner may opt for one (1) of the following alternatives:~~

(a) The owner may transfer the license pursuant to the provisions of subsection (16) of this section, including a onetime-only transfer under an installment contract wherein such contract shall not exceed a term of five (5) years;

(b) The owner may retain the license and apply to become the actual user of the license, which retention and use shall be exempt from the onetime-only transfer pursuant to subsection (16) of this section;

(c) The owner may proceed under subsections (16) (a) through (g) of this section; or

(d) If the owner of the license is also the owner of an estate in real property, the owner may proceed under subsection (18) of this section.

(18) (a) An entity or person who owns a license issued pursuant to subsection (1) of this section and holds, in whole or in part, an estate in real property that is leased to a tenant pursuant to a written lease may permit such tenant to operate the license at the leased premises during the term of the premises lease, provided that the license shall identify on the face of the license the name of the license owner, the name of the premises tenant as the qualified licensee who places the licenses in actual use, and the location of the associated licensed premises.

(b) The license owner may permit a subsequent tenant under a new premises lease to place the license into actual use upon termination of the prior premises lease as provided in this subsection.

(c) A license operated pursuant to this subsection may be transferred to any third-party purchaser of the licensed premises where the license is placed in actual use at the time of such transfer.

(d) The onetime-only transfer of the license under subsection (16) of this section shall no longer be available to the license owner once placed in use under this subsection, but the license owner may thereafter proceed under subsections (16) (a) through (g) or subsection (17) of this section or under this subsection.

(e) The license owner shall be jointly responsible with the tenant to the director for all renewals, filings, payment of fees, and administrative actions taken with respect to the license.

(19) If the director maintains a priority list of the applicants for a license to be issued pursuant to subsection (1) of this section and an applicant receives notice in writing from the director that a license is available, the applicant may elect to have the license issued in the name of:

(a) The original applicant;

(b) Persons as set forth in subsection (16) (a) through (c) of this section as its designee; or

(c) A single purpose entity owned only by the original applicant or any party set forth in subsection (16) (a) through (c) of this section or such combination of the original applicant or a party set forth in subsection (16) (a) through (c) of this section.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved April 8, 2024

CHAPTER 296
(S.B. No. 1459)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE AND TO THE OFFICE OF HEALTH AND SOCIAL SERVICES OMBUDSMAN; APPROPRIATING MONEYS TO THE OFFICE OF HEALTH AND SOCIAL SERVICES OMBUDSMAN FOR FISCAL YEAR 2025; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS FOR THE OFFICE OF HEALTH AND SOCIAL SERVICES OMBUDSMAN FOR FISCAL YEAR 2025; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISION OF INDIRECT SUPPORT SERVICES FOR FISCAL YEAR 2025; REDUCING THE AUTHORIZED FULL-TIME EQUIVALENT POSITIONS FOR THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISION OF INDIRECT SUPPORT SERVICES; REQUIRING A REPORT TO THE LEGISLATURE; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. There is hereby appropriated to the Office of Health and Social Services Ombudsman the following amounts to be expended according to the designated expense classes from the General Fund for the period July 1, 2024, through June 30, 2025:

FOR:

Personnel Costs	\$325,000
Operating Expenditures	125,000
Capital Outlay	<u>20,000</u>
TOTAL	\$470,000

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Office of Health and Social Services Ombudsman is authorized no more than three (3.00) full-time equivalent positions at any point during the period July 1, 2024, through June 30, 2025, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. Notwithstanding any other provision of law to the contrary, the appropriation made to the Department of Health and Welfare for the Division of Indirect Support Services is hereby reduced by the following amounts for the designated expense classes from the Cooperative Welfare (General) Fund for the period July 1, 2024, through June 30, 2025:

FOR:

Personnel Costs	\$325,000
Operating Expenditures	125,000
Capital Outlay	<u>20,000</u>
TOTAL	\$470,000

SECTION 4. FTP AUTHORIZATION. Notwithstanding any other provision of law to the contrary, the full-time equivalent position authorization provided to the Department of Health and Welfare for the Division of Indirect Support Services is hereby reduced by three (3.00) for the period July 1, 2024, through June 30, 2025.

SECTION 5. OFFICE OF THE HEALTH AND SOCIAL SERVICES OMBUDSMAN REPORT. The Office of the Health and Social Services Ombudsman shall deliver an interim report to the Legislature, including the chairmen of the House and Senate Health and Welfare Committees, as well as the Joint Finance-Appropriations Committee, by December 1, 2024, on the initial work of the office and the current operation of child welfare in the state. The report shall include related recommendations to the governor, the Legislature, the director of the Department of Health and Welfare or other relevant state departments or agencies, the state public defender, and the courts. The format of the report shall be determined by the Legislative Services Office Budget and Policy Analysis Division.

SECTION 6. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved April 8, 2024

CHAPTER 297
(H.B. No. 751)

AN ACT

RELATING TO SALES TAX; AMENDING SECTION 63-3622D, IDAHO CODE, TO PROVIDE SALES TAX EXEMPTIONS FOR CERTAIN PROPERTY; AND DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

SECTION 1. That Section 63-3622D, Idaho Code, be, and the same is hereby amended to read as follows:

63-3622D. PRODUCTION EXEMPTION. There are exempted from the taxes imposed by this chapter:

(a) The sale at retail, storage, use or other consumption in this state of:

(1) Tangible personal property which will enter into and become an ingredient or component part of tangible personal property manufactured, processed, mined, produced or fabricated for sale, including birds, fish or other wildlife that are hunted or fished on property a business owns, controls or has the right to use and where the business collects sales tax for the charges imposed for the hunting or fishing activity, and including the cost of acquiring such birds, fish or other wildlife and the feed, supplies and labor used to raise or maintain such birds, fish or other wildlife.

(2) Tangible personal property primarily and directly used or consumed in or during a manufacturing, processing, mining, farming, fabricating, hunting or fishing operation, including, but not limited to, repair parts, lubricants, hydraulic oil, and coolants, which become a component part of such tangible personal property and including, but not limited to, ammunition, birds, fish or other wildlife; provided that the use or consumption of such tangible personal property is necessary or essential to the performance of such operation.

(3) Chemicals, catalysts, and other materials which are used for the purpose of producing or inducing a chemical or physical change in the product or for removing impurities from the product or otherwise placing the product in a more marketable condition as part of an operation described in subsection (a) (2) of this section, and chemicals and equipment used in clean-in-place systems in the food processing and food manufacturing industries.

(4) Safety equipment and supplies required to meet a safety standard of a state or federal agency when such safety equipment and supplies are used as part of an operation described in subsection (a) (2) of this section.

(5) Plants to be used as part of a farming operation.

(6) Grain bin structures, augers, dryers, fans, sweep augers, and other equipment that is used directly and primarily in agricultural production, whether or not such equipment is to become a part of real property and whether or not installed by the farmer, a contractor, or a subcontractor.

(7) Equipment and supplies used in the performance of a quality control function used to prepare a crop for storage in a grain bin structure that is directly and primarily used in agricultural production, whether or not such equipment and supplies used in the performance of a quality control function are to become a part of real property and whether or not installed by the farmer, a contractor, or subcontractor.

(b) Other than as provided in subsection (c) of this section, the exemptions allowed in subsection (a) (1), (2), (3) and (4) of this section are available only to a business or separately operated segment of a business which is primarily devoted to producing tangible personal property which that business will sell and which is intended for ultimate sale at retail within or without this state. A contractor providing services to a business entitled to an exemption under this section is not exempt as to any property owned, leased, rented or used by it unless, as a result of the terms of the contract, the use of the property is exempt under section 63-3615(b), Idaho Code.

(c) The exemptions allowed in subsection (a) (1), (2), (3) and (4) of this section shall also be available to a business, or separately operated segment of a business, engaged in farming or mining, whether as a subcontractor, contractor, contractee or subcontractee, when such business or segment of a business is primarily devoted to producing tangible personal property which is intended for ultimate sale at retail within or without this state, without regard to the ownership of the product being produced; and shall also be available to a business, or separately operated segment of a business, engaged in offering the right to hunt birds or other wildlife or fish on property the business owns, controls or has the right to use, where the charges for such rights are subject to sales tax as provided in this chapter.

(d) The exemptions allowed in subsection (a) (1), (2), (3) and (4) of this section shall also be available to a business, or separately operated segment of a business, engaged in the business of processing materials, substances or commodities for use as fuel for the production of energy, whether as a subcontractor, contractor, contractee or subcontractee, without regard to the ownership of the materials, substances or commodities being processed and irrespective of whether the materials, substances or commodities being processed are intended for ultimate sale at retail within or without this state.

(e) As used in this section, the term "directly used or consumed in or during" a farming operation means the performance of a function reasonably necessary to the operation of the total farming business, including the planting, growing, harvesting, storage and removal from storage of crops and other agricultural products, and movement of crops and produce from the place of harvest to the place of initial storage. It includes disinfectants used in the dairy industry to clean cow udders or to clean pipes, vats or other milking equipment.

(f) The exemptions allowed in this section do not include machinery, equipment, materials and supplies used in a manner that is incidental to the manufacturing, processing, mining, farming or fabricating operations such as maintenance and janitorial equipment and supplies.

(g) Without regard to the use of such property, this section does not exempt:

- (1) Tangible personal property used in any activities other than the actual manufacturing, processing, mining, farming, fabricating, hunting or fishing operations, such as office equipment and supplies, and equipment and supplies used in selling or distributing activities.
- (2) Property used in transportation activities.
- (3) Machinery, equipment, tools or other property used to make repairs. This subsection does not include repair parts that become a component part of tangible property exempt from tax under this section or lubricants, hydraulic oil, or coolants used in the operation of tangible personal property exempt under this section.

(4) Machinery, equipment, tools or other property used to manufacture, fabricate, assemble or install tangible personal property which is:

- (i) Not held for resale in the regular course of business; and
- (ii) Owned by the manufacturer, processor, miner, farmer or fabricator;

provided, however, this subsection does not prevent exemption of machinery, equipment, tools or other property exempted from tax under subsection (a) (2) or (a) (3) of this section.

(5) Any improvement to real property or fixture thereto or any tangible personal property which that becomes or is intended to become a component of any real property or any improvement or fixture thereto, except as provided in subsection (a) (6) and (7) of this section.

(6) Motor vehicles and aircraft.

(7) Tangible personal property used or consumed in processing, producing or fabricating tangible personal property exempted from tax under this chapter in sections 63-3622F and 63-3622I, Idaho Code.

(8) Tangible personal property described in section 63-3622HH, Idaho Code.

(h) Any tangible personal property exempt under this section which ceases to qualify for this exemption, and does not qualify for any other exemption or exclusion of the taxes imposed by this chapter, shall be subject to use tax based upon its value at the time it ceases to qualify for exemption. Any tangible personal property taxed under this chapter which later qualifies for this exemption shall not entitle the owner of it to any claim for refund.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval, and retroactively to January 1, 2024.

Approved April 8, 2024

CHAPTER 298

(S.B. No. 1429, As Amended in the House)

AN ACT

RELATING TO THE OCCUPATIONAL LICENSING REFORM ACT; AMENDING CHAPTER 94, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-9415, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING PETITIONS FOR WAIVERS OF OR VARIANCES FROM OCCUPATIONAL LICENSING REQUIREMENTS OR PRACTICES THAT WOULD BE OTHERWISE RESTRICTED TO A LICENSEE; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 94, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-9415, Idaho Code, and to read as follows:

67-9415. PETITION FOR WAIVER OF OR VARIANCE FROM A LICENSING REQUIREMENT OR RESTRICTED PRACTICE. (1) Any person may petition a licensing authority for a waiver of or variance from a licensing requirement or practice that would be otherwise restricted to a licensee if:

(a) Due to the petitioner's circumstances, the application of the licensing requirement or restricted practice is unreasonable and would impose undue hardship or burden on the petitioner with no offsetting public health, safety, or welfare benefit to the public;

(b) The petitioner proposes an alternative that, in the opinion of the licensing authority, will afford substantially equal protection of health, safety, and welfare intended by the particular licensing requirement for which the waiver or variance is requested; or

(c) The waiver or variance requested would test an innovative practice or model that will, in the opinion of the licensing authority, generate meaningful evidence for the licensing authority in consideration of a licensing requirement or restricted practice change.

(2) In response to a petition filed pursuant to subsection (1) of this section, a licensing authority shall:

(a) Deny the petition in writing, stating the reasons for the denial; or

(b) Approve the petition and grant a waiver of or variance from the licensing requirement or restricted practice, in whole or in part, and specify whether any conditions are placed on the waiver or variance or whether a specific time period for the waiver or variance is established.

(3) A licensing authority shall approve or deny a petition filed pursuant to this section or initiate proceedings to review the petition within twenty-eight (28) days after submission of the petition. Provided, however, if the licensing authority is governed by a multimember licensing authority board or commission whose members are not full-time officers or employees of the state, the licensing authority shall take action on the petition no later than the first regularly scheduled meeting of the board or commission that takes place seven (7) or more days after submission of the petition. If a licensing authority requests additional information from a petitioner, the time period specified in this subsection shall begin anew.

(4) Following the granting of a waiver or variance a licensing authority shall consider a change that will allow all similarly situated persons to derive the same benefits granted to the petitioner.

(5) Any licensing authority decision denying a petition shall be considered a final agency action.

(6) This section shall not allow waivers or variances that would grant an initial license to an individual who does not meet the statutory requirements for an initial license.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved April 8, 2024

CHAPTER 299
(S.B. No. 1458)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF LANDS AND THE OFFICE OF THE ATTORNEY GENERAL; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF LANDS FOR FISCAL YEAR 2025; AUTHORIZING ADDITIONAL FULL-TIME EQUIVALENT POSITIONS; REDUCING THE APPROPRIATION TO THE OFFICE OF THE ATTORNEY GENERAL FOR FISCAL YEAR 2025; REDUCING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the Department of Lands for the Business Services Program the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2024, through June 30, 2025:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:				
General				
Fund	\$128,600	\$25,000	\$5,600	\$159,200
Department of Lands				
Fund	128,600	25,000	5,600	159,200
Endowment Earnings Administrative				
Fund	<u>257,300</u>	<u>50,000</u>	<u>11,300</u>	<u>318,600</u>
TOTAL	\$514,500	\$100,000	\$22,500	\$637,000

SECTION 2. FTP AUTHORIZATION. In addition to any other authorization provided by law, the full-time equivalent position authorization provided to the Department of Lands is hereby increased by four (4.00) for the period July 1, 2024, through June 30, 2025.

SECTION 3. Notwithstanding any other provision of law to the contrary, the appropriation made to the Office of the Attorney General for the State Legal Services Program is hereby reduced by \$379,400 from the General Fund from personnel costs for the period July 1, 2024, through June 30, 2025.

SECTION 4. FTP AUTHORIZATION. Notwithstanding any other authorization provided by law to the contrary, the full-time equivalent position authorization provided to the Office of the Attorney General is hereby reduced by three (3.00) for the period July 1, 2024, through June 30, 2025.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved April 8, 2024

CHAPTER 300
(S.B. No. 1260)

AN ACT

RELATING TO CITY ELECTIONS; AMENDING SECTION 50-405, IDAHO CODE, TO REVISE PROVISIONS REGARDING CERTAIN CITY ELECTIONS FOR UNOPPOSED OFFICES; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 50-405, Idaho Code, be, and the same is hereby amended to read as follows:

50-405. GENERAL AND SPECIAL CITY ELECTIONS. (1) A general election shall be held in each city governed by this title, for officials as in this title provided, on the Tuesday following the first Monday of November in each odd-numbered year. All such officials shall be elected and hold their respective offices for the term specified and until their successors are elected and qualified. All other city elections that may be held under authority of general law shall be known as special city elections.

(2) (a) ~~No city election shall be held~~ No city with a population of less than one hundred thousand (100,000) shall hold a city election for an office if, after the deadline for filing a declaration of intent to be a write-in candidate for the office, it appears:

(i) For the office of mayor, only one (1) person has filed a declaration of candidacy or a declaration of intent to be a write-in candidate;

(ii) For the office of city council member in cities that have established designated seats, as provided in section 50-707, Idaho Code, only one (1) person has filed a declaration of candidacy or a declaration of intent to be a write-in candidate for a particular seat up for election for a two (2) year term or a four (4) year term; or

(iii) For the office of city council member in cities that do not have designated council seats as provided in section 50-707, Idaho Code, the number of people who have filed a declaration of candidacy or a declaration of intent to be a write-in candidate is equal to or fewer than the number of council positions up for election for a two (2) year term or a four (4) year term.

(b) If the provisions of paragraph (a) of this subsection have been met, the city clerk shall declare such candidate elected. The candidate shall receive a certificate of election and be installed at the first city council meeting in January following the election.

(3) On and after January 1, 2011, notwithstanding any other provisions of law to the contrary, there shall be no more than two (2) elections conducted in any city in any calendar year, except as provided in this section.

(4) The dates on which elections may be conducted are:

(a) The third Tuesday in May of each year; and

(b) The Tuesday following the first Monday in November of each year.

(c) In addition to the elections specified in paragraphs (a) and (b) of this subsection, an emergency election may be called upon motion of the city council of a city. An emergency exists when there is a great public calamity, such as an extraordinary fire, flood, storm, epidemic or other disaster, or if it is necessary to do emergency work to prepare for a national or local defense, or if it is necessary to do emergency work to safeguard life, health or property.

(5) Pursuant to section 34-1401, Idaho Code, all city elections shall be conducted by the county clerk of the county wherein the city lies, and elections shall be administered in accordance with the provisions of title 34, Idaho Code, except as those provisions are specifically modified by the provisions of this chapter. After an election has been ordered, all expenses associated with conducting city general and special elections shall be paid from the county election fund as provided by section 34-1411, Idaho Code. Expenses associated with conducting runoff elections shall be paid by the city adopting runoff elections pursuant to the provisions of section 50-612 or 50-707B, Idaho Code, or both.

(6) The secretary of state is authorized to provide such assistance as necessary and to prescribe any needed rules or interpretations for the conduct of elections authorized under the provisions of this section.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved April 8, 2024

CHAPTER 301

(H.B. No. 603, As Amended in the Senate)

AN ACT

RELATING TO STATE GOVERNMENT; AMENDING CHAPTER 23, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-2360, IDAHO CODE, TO PROHIBIT DEPARTMENTS OF THE STATE FROM DONATING TO OR SPONSORING A NONGOVERNMENTAL EVENT OR ORGANIZATION, TO PROVIDE EXCEPTIONS, TO PROVIDE THAT ANY DONATION OR SPONSORSHIP MADE BY A BOARD OR COMMISSION SHALL BE APPROVED BY THE CHIEF EXECUTIVE OFFICER, TO PROVIDE THAT ANY DONATION OR SPONSORSHIP MADE BY A STATE EDUCATIONAL INSTITUTION SHALL BE APPROVED BY THE PRESIDENT OF THE INSTITUTION, TO PROVIDE REPORTING REQUIREMENTS, AND TO PROVIDE AN EXEMPTION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 23, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-2360, Idaho Code, and to read as follows:

67-2360. DEPARTMENTS OF THE STATE -- DONATIONS AND SPONSORSHIPS PROHIBITED -- REPORTING -- PENALTY. (1) No donation or sponsorship to any non-governmental event or organization shall be made by or in the name of any of the twenty (20) departments of the state government, as set forth in section 67-2402(1), Idaho Code, unless the department is required to do so by law or has received prior written permission from the director of such department.

(2) Notwithstanding the provisions of subsection (1) of this section, any donation or sponsorship to any nongovernmental event or organization made by the state board of education, the industrial commission, or any board or commission within the department of self-governing agencies set forth in section 67-2601(2), Idaho Code, shall be approved by the chief executive officer of such board or commission, unless the donation or sponsorship is required by law.

(3) Notwithstanding the provisions of subsection (1) of this section, any donation or sponsorship to any nongovernmental event or organization made by any state educational institution, as set forth in section 33-101, Idaho Code, shall be approved by the president of the respective state educational institution, unless the donation or sponsorship is required by law.

(4) Not later than February 1 of each year, the division of financial management shall provide a report that lists all sponsorships and donations made by any department, board, commission, state educational institution, or other entity of state government to the chairs of the joint finance-appropriations committee, the house revenue and taxation committee, and the senate local government and taxation committee.

(5) The provisions of this section shall not apply to any board, commission, or other organization of this state that obtains its funding from dues, fees, or tax assessments paid by its members.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved April 8, 2024

CHAPTER 302
(H.B. No. 766)

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-102A, IDAHO CODE, AS AMENDED IN SECTION 5 OF HOUSE BILL NO. 521, IF ENACTED BY THE SECOND REGULAR SESSION OF THE SIXTY-SEVENTH IDAHO LEGISLATURE, TO REVISE PROVISIONS REGARDING THE APPOINTMENT OF THE EXECUTIVE OFFICER OF THE STATE BOARD OF EDUCATION; AMENDING SECTION 33-911, IDAHO CODE, AS AMENDED IN SECTION 4 OF HOUSE BILL NO. 521, IF ENACTED BY THE SECOND REGULAR SESSION OF THE SIXTY-SEVENTH IDAHO LEGISLATURE, TO REVISE PROVISIONS REGARDING THE SCHOOL DISTRICT FACILITIES FUND; AMENDING SECTION 33-916, IDAHO CODE, AS ADDED BY SECTION 18 OF HOUSE BILL NO. 521, IF ENACTED BY THE SECOND REGULAR SESSION OF THE SIXTY-SEVENTH IDAHO LEGISLATURE, TO REVISE PROVISIONS REGARDING THE ELIGIBILITY OF SCHOOL DISTRICTS FOR SCHOOL MODERNIZATION FACILITIES FUND DISTRIBUTIONS; AMENDING SECTION 33-917, IDAHO CODE, AS ADDED BY SECTION 19 OF HOUSE BILL NO. 521, IF ENACTED BY THE SECOND REGULAR SESSION OF THE SIXTY-SEVENTH IDAHO LEGISLATURE, TO REVISE PROVISIONS REGARDING THE SCHOOL MODERNIZATION FACILITIES FUND; AMENDING SECTION 33-5207, IDAHO CODE, AS ADDED BY SECTION 23 OF HOUSE BILL NO. 422, AS ENACTED BY THE SECOND REGULAR SESSION OF THE SIXTY-SEVENTH IDAHO LEGISLATURE, TO REVISE PROVISIONS REGARDING THE DISTRIBUTION OF FACILITIES FUNDS TO PUBLIC CHARTER SCHOOLS; AMENDING SECTION 33-5209A, IDAHO CODE, AS ADDED BY SECTION 26 OF HOUSE BILL NO. 422, AS ENACTED BY THE SECOND REGULAR SESSION OF THE SIXTY-SEVENTH IDAHO LEGISLATURE, TO REMOVE A PROVISION REGARDING PROVISIONAL RENEWAL; AND DECLARING AN EMERGENCY AND PROVIDING EFFECTIVE DATES.

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

SECTION 1. That Section 33-102A, Idaho Code, as amended in Section 5 of House Bill No. 521, if enacted by the Second Regular Session of the Sixty-seventh Idaho Legislature, be, and the same is hereby amended to read as follows:

33-102A. OFFICE OF THE STATE BOARD -- EXECUTIVE OFFICER -- APPOINTMENT -- COMPENSATION -- DUTIES AND POWERS. (1) There is hereby created as an executive agency of the state board of education the office of the state board of education. The governor is hereby authorized to appoint an executive officer of the state board, with the advice and consent of the senate, who shall serve at the pleasure of the governor and shall receive such salary as fixed by the governor.

(2) The executive officer shall, under the direction of the state board, have such duties and powers as prescribed by the said board of regents and the state board of education, not otherwise assigned by law.

(3) The executive officer shall, together with the president of the state board of education, submit an annual report to the legislature no later than January 15 of each year, detailing the uses and impact of the school modernization facilities fund.

SECTION 2. That Section 33-911, Idaho Code, as amended in Section 4 of House Bill No. 521, if enacted by the Second Regular Session of the Sixty-seventh Idaho Legislature, be, and the same is hereby amended to read as follows:

33-911. SCHOOL DISTRICT FACILITIES FUND. (1) There is hereby created in the state treasury the school district facilities fund. The fund shall consist of moneys provided pursuant to sections 57-811, 63-3638, and 67-7434, Idaho Code, and any legislative transfers or appropriations. Interest earned from the investment of moneys in the fund shall be returned to the fund.

(2) The moneys in the fund shall be distributed by the state controller to the state department of education by August 1 each year for the purpose of construction or renovation of school facilities. The moneys shall be distributed by the state department of education to each school district, as defined in section 33-1001(21), Idaho Code, first as provided in subsection (7) of this section and then on a per-pupil basis using the average daily attendance calculation provided in section 33-1003A, Idaho Code, for each student in kindergarten through grade 12 at physical facilities that are part of and on school grounds of the school district in which the student is enrolled with verification, as needed, by the office of the state board of education. Upon formal approval by the state board of education, a school district may receive an exemption to the physical facility requirement pursuant to this subsection if the student would have attended a physical facility in the school district if not for a stated emergency. The state department of education shall transfer the moneys by no later than August 31 each year to each school district. Such moneys shall be used in place of property tax levy moneys and shall be expended by a school district for one (1) or more of the purposes set forth in paragraphs (a) through (d) of this subsection. Moneys in the fund must be used by a school district in the following order of priority:

(a) Payment of existing school bonds authorized pursuant to chapter 11, title 33, Idaho Code;

(b) Payment of supplemental school levies authorized pursuant to section 33-802, Idaho Code, excluding indefinite term supplemental levies described in section 33-802(5), Idaho Code;

(c) Payment of school plant facility levies authorized pursuant to sections 33-804 and 33-804A, Idaho Code; and

(d) Any moneys that remain following the payments provided in paragraphs (a) through (c) of this subsection may be: used for construction of a new school facility, renovation, or maintenance needs; used to secure and make payments on a new school facilities bond; or saved in a reserve account by the school district for future school facility needs. Uses of funds shall include regular and routine facilities

maintenance, including preventive maintenance, building repairs, and building security, and periodic major facilities projects that involve planning, design, construction, renovation, retrofitting, and replacing of buildings and building systems, components, and features, as well as site acquisition, site improvements, and new construction.

(3) The amount of moneys received by a school district pursuant to this section must be deducted from a school levy that would otherwise have been paid by property taxpayers. Such moneys may not be duplicated by the collection of property tax, and no property taxes may be collected in order to make extra payments on expenses described in subsection (2) of this section in excess of required amounts.

(4) Each school district shall identify the amount received in the current year pursuant to this section in the certification of its budget in accordance with section 63-803, Idaho Code. Said amount must be subtracted from the amount to be levied. The amount of moneys thereby saved from being collected by a property tax levy shall be reported on each property tax notice pursuant to section 63-902, Idaho Code.

(5) Each school district shall report annually to the state department of education, in a manner prescribed by it, on the expenditure of moneys it has received pursuant to this section. The state department of education shall present the reports to the legislature each January.

(6) For the purposes of this section, the Idaho school for the deaf and the blind shall be considered a school district and shall receive a distribution based on the average daily attendance of the school.

(7) (a) For state fiscal years 2025 and 2026 only, any school district that would have received support from the bond levy equalization support program for a qualified bond passed prior to January 1, 2024, and for which property taxes were levied in property tax year 2024 2023 pursuant to the amount intended by the bond shall receive a distribution of funds from the distribution provided under subsection (2) of this section of at least as much as would have been provided through bond levy equalization support on July 1, 2024.

(b) For state fiscal year 2026 only, any school district that would have received support from the bond levy equalization support program for a qualified bond passed prior to January 1, 2024, and for which property taxes were levied in property tax year 2024 pursuant to the amount intended by the bond shall receive a distribution of funds from the distribution provided under subsection (2) of this section of at least as much as would have been provided through bond levy equalization support on July 1, 2025.

(c) The state department of education may adjust distributions for remaining districts proportionally as necessary pursuant to this paragraph. On and after July 1, 2024, school districts may use funds provided in this section and section 33-913, Idaho Code, to offset the bond levy equalization support.

SECTION 3. That Section 33-916, Idaho Code, as added by Section 18 of House Bill No. 521, if enacted by the Second Regular Session of the Sixty-seventh Idaho Legislature, be, and the same is hereby amended to read as follows:

33-916. ELIGIBILITY OF SCHOOL DISTRICTS FOR SCHOOL MODERNIZATION FACILITIES FUND DISTRIBUTIONS. The state department of education shall not approve school district requests for annualized distributions or for distribution from the applicable bond proceeds until the following conditions are satisfied:

(1) The school district has submitted a ten (10) year facilities plan in accordance with provisions of section 33-918, Idaho Code;

(2) The school district attests that if it operated on a five (5) day school week during fiscal year 2024, it will not convert to a four (4) day school week during the period for which the school district has elected to receive funding from the school modernization facilities fund. If the school district does convert from a five (5) day school week to a four (4) day school week or if it operated on a four (4) day school week during fiscal year 2024, it must attest that it meets the minimum contract days and minimum student instructional day or hour requirements of the state board of education, which requirements shall be ~~implemented~~ adopted no later than August 1, 2024, and implemented no sooner than July 1, 2025. The state board of education may phase in such requirements over a multi-year period; and

(3) The school district attests compliance with the dignity and nondiscrimination in public education requirements specified in section 33-138, Idaho Code, and further attests that the school district does not require job applicants to sign written diversity statements.

SECTION 4. That Section 33-917, Idaho Code, as added by Section 19 of House Bill No. 521, if enacted by the Second Regular Session of the Sixty-seventh Idaho Legislature, be, and the same is hereby amended to read as follows:

33-917. SCHOOL DISTRICT USE OF FUNDS -- SCHOOL MODERNIZATION FACILITIES FUND.

(1) (a) Moneys distributed to a school district shall be used for school facility construction, renovation, or maintenance needs or, in the case of school districts electing annualized distributions, funds shall be used subject to section 33-911, Idaho Code. Uses of funds shall include regular and routine facilities maintenance, including preventive maintenance, building repairs, and building security, and shall also include periodic major facilities projects that involve planning, design, construction, renovation, retrofitting, and replacing of buildings and building systems, components, and features, as well as site acquisition, site improvements, and new construction.

(b) Any funds distributed by the state to school districts for facilities must be used only for the purposes described in this subsection. Any funds intended for facilities but used for another purpose shall be returned to the state by the school district and deposited to the ~~state general fund~~ school modernization facilities fund. If the school district fails to return such funds, an amount equivalent to the misused funds shall be deducted from the state's next payment to the school district pursuant to this chapter or chapter 52, title 33, Idaho Code.

(2) All funds shall be used for school facilities directly related to the school district's core educational mission. No funds shall be used for facilities with a primary athletic purpose.

(3) Each school district shall annually report to the state department of education, in a manner prescribed by the state department of education, on the planned and actual expenditure of moneys it has received pursuant to this section.

(4) A model school facility council shall be created by July 1, 2024, to research, adopt, and recommend a model school facility plan that schools shall abide by when using school modernization facilities fund moneys pursuant to the plan adopted in paragraph (c) of this subsection. The council shall:

(a) Be chaired by the executive director of the office of the state board of education, with administrative support provided by the office of the state board of education;

(b) Consist of nine (9) members, with three (3) members appointed by the governor, three (3) members appointed by the speaker of the house of representatives, and three (3) members appointed by the president pro tempore of the senate; and

(c) Adopt a model school facility plan and submit it to the legislature by July 1, 2026, that:

(i) Outlines a clear plan for school facility construction, including standardization for elementary schools, middle schools, and high schools;

(ii) Considers potential variability of school properties, objectives, and goals; and

(iii) Consults all necessary experts to develop a thorough plan for school facilities to guide the use of funds from the school modernization facilities fund.

SECTION 5. That Section 33-5207, Idaho Code, as added by Section 23 of House Bill No. 422, as enacted by the Second Regular Session of the Sixty-seventh Idaho Legislature, be, and the same is hereby amended to read as follows:

33-5207. PUBLIC CHARTER SCHOOL FINANCIAL SUPPORT. (1) Except as otherwise provided for in this section, the state department of education shall make the following apportionment to each charter school for each fiscal year based on attendance figures submitted in a manner and time as required by the state department of education.

(2) Per student support. Computation of support units for each public charter school shall be calculated as if it were a separate school according to the schedules in section 33-1002(4), Idaho Code, except that public charter schools with fewer than one hundred (100) secondary ADA shall use a divisor of twelve (12) and the minimum units shall not apply. No public charter school shall receive an increase in support units that exceeds the support units it received in the prior year by more than forty (40), except in cases of state declared emergencies that have been approved by the authorizer as having an impact on public education. Funding from the state educational support program shall be equal to the total distribution factor, plus the salary-based apportionment provided in chapter 10, title 33, Idaho Code. Provided, however, any public charter school that is formed by the conversion of an existing traditional public school shall be assigned divisors, pursuant to section 33-1002, Idaho Code, that are no lower than the divisors of the school district in which the traditional public school is located, for each category of pupils listed.

(3) Special education. For each student enrolled in the public charter school who is entitled to special education services, the public charter school shall receive the state and federal funds from the exceptional child education program for that student that would have been apportioned to the school district in which the public charter school is located.

(4) Alternative school support. Public charter schools may qualify under the provisions of sections 33-1002 and 33-1002C, Idaho Code, provided the public charter school meets the necessary statutory requirements and students qualify for attendance at an alternative school as provided by rule of the state board of education.

(5) Transportation support. Support shall be paid to the public charter school as provided in chapter 15, title 33, Idaho Code, and section 33-1006, Idaho Code. Each public charter school shall furnish the department with an enrollment count as of the first Friday in November of public charter school students who are eligible for reimbursement of transportation costs under the provisions of this subsection and who reside more than one and one-half (1 1/2) miles from the school. The state department of education is authorized to include in the annual appropriation to the

charter school sixty percent (60%) of the estimated transportation cost. The final appropriation payment in July shall reflect reimbursements of actual costs pursuant to section 33-1006, Idaho Code. To be eligible for state reimbursement under the provisions of section 33-1006, Idaho Code, the student to be transported must reside within the public charter school's primary attendance area and must meet at least one (1) of the following criteria:

(a) The student resides within the school district in which the public charter school is physically located; or

(b) The student resides within fifteen (15) miles by road of the public charter school. The limitations placed by this subsection on the reimbursement of transportation costs for certain students shall not apply to public virtual schools.

(6) Facilities funds.

(a) The state department of education shall distribute facilities funds to public charter schools for each enrolled student in which a majority of the student's instruction is received at a physical facility that is owned or leased by the public charter school. Such funds shall be used to defray the costs associated with payments for real property used by the students or employees of the public charter school for educational or administrative purposes. Such funds shall be distributed ~~from the moneys appropriated to the educational support program and shall be calculated as fifty percent (50%) of the statewide average amount of bond and plant facility funds levied per student by Idaho school districts at four hundred dollars (\$400) per attending student pursuant to section 33-1003A, Idaho Code.~~ For the purposes of this paragraph, beginning in state fiscal year 2025, "attending student" means each student in average daily attendance in kindergarten through grade 12 at such physical charter school facilities where the student is enrolled; except that, upon formal approval by the state board of education, a charter school may receive an exemption to the physical facility requirement pursuant to the provisions of this paragraph if the student would have attended a physical facility if not for a stated emergency.

(b) For those public charter schools that do not receive facilities funds for all enrolled students, the school may submit to the state department of education a reimbursement claim for any costs for which facilities funds may be used. The state department of education shall reduce such claim by the greater of fifty percent (50%) or the percentage of the school's enrolled students for which the school receives facilities funds and shall pay the balance. Provided, however, that the total reimbursements paid to a public charter school, in combination with any facilities stipend received by the school, shall not exceed the amount of facilities funds that would have been received by the school had the school received facilities funds for all enrolled students in average daily attendance pursuant to section 33-1003A, Idaho Code. For the purposes of this subsection, the term "real property" shall be used as defined in section 63-201, Idaho Code. A virtual public charter school authorized by the public charter school commission or authorized by a public school district on or after March 1, 2024, shall not be eligible for funds appropriated pursuant to the provisions of this subsection.

(7) Payment schedule. The state department of education is authorized to make an advance payment of twenty-five percent (25%) of a public charter school's estimated annual apportionment for its first year of operation, and each year thereafter, provided the public charter school is serving more grades or at least ten percent (10%) more classes than the previous year, to assist the school with initial start-up costs or payroll obligations. For a public charter school entering at least its second year of operation, the

state department of education may require documentation establishing the need for such an advance payment, including comparative class schedules and proof of a commensurate increase in the number of employees.

(a) For a public charter school to receive the advance payment, the school shall submit its anticipated fall membership for each grade level to the state department of education by June 1.

(b) Using the figures provided by the public charter school, the state department of education shall determine an estimated annual apportionment from which the amount of the advance payment shall be calculated. Advance payment shall be made to the school on or after July 1 but no later than July 31.

(c) All subsequent payments, taking into account the onetime advance payment made for the first year of operation, shall be made to the public charter school in the same manner as other traditional public schools in accordance with the provisions of section 33-1009, Idaho Code. A public charter school shall comply with all applicable fiscal requirements of law, except that the following provisions shall not be applicable to public charter schools: that portion of section 33-1004, Idaho Code, relating to reduction of the administrative and instructional staff allowance and the pupil service staff allowance when there is a discrepancy between the number allowed and the number actually employed; and section 33-1004E, Idaho Code, for calculation of district staff indices.

(8) If an authorizer has reason to believe that a public charter school cannot remain fiscally sound for the remainder of its certificate term, it shall provide the state department of education with written notification of such concern. Upon receiving such notification, the state department of education shall have the authority to modify the percentage of the total appropriation to be paid to the public charter school pursuant to the provisions of section 33-1009 1., Idaho Code, such that equal percentages are paid on each of the prescribed dates.

(9) Each public charter school shall pay an authorizer fee to its authorizer, not to initially exceed twenty thousand dollars (\$20,000), or, in the case of existing charter schools, up to a five-percent (5%) increase of the previous year's fee. Authorizers shall annually set the authorizer's fee and in doing so shall document the fees to actual expenditures associated with authorizing.

(10) Nothing in this chapter shall prevent a public charter school from:

(a) Applying for federal grant moneys or for career technical education funding of any source; or

(b) Receiving funding or other financial assistance for the establishment or operation of a public charter school from any private person or organization.

(11) Each student in attendance at a public virtual school shall be funded based on either the actual hours of attendance in the public virtual school on a flexible schedule or the percentage of coursework completed, whichever is more advantageous to the school, up to the maximum of one (1) full-time equivalent student.

(12) All federal educational funds shall be administered and distributed to public charter schools, including public virtual schools, that have been designated as a local education agency (LEA), as provided in section 33-5203, Idaho Code.

(13) Nothing in this section prohibits separate face-to-face learning activities or services. In order to be eligible for career technical education essential components funding, virtual schools may be required to offer some face-to-face instruction in order to meet industry standards, licensing requirements, work-based learning requirements, or other requirements set forth by law.

(14) The provisions of section 33-1021, Idaho Code, shall apply to public charter schools provided for in this chapter.

SECTION 6. That Section 33-5209A, Idaho Code, as added by Section 26 of House Bill No. 422, as enacted by the Second Regular Session of the Sixty-seventh Idaho Legislature, be, and the same is hereby amended to read as follows:

33-5209A. CHARTER RENEWALS. (1) A charter may be renewed for successive terms. An authorizer may grant renewal with specific written conditions for necessary improvements to a public charter school and a date by which the conditions must be met.

(2) No later than September 1, the authorizer shall issue a public charter school performance report and charter renewal application guidance to any charter holder with a public charter school whose charter will expire the following year. The performance report shall summarize the public charter school's performance record to date, based on the performance certificate, and shall provide notice of any weaknesses or concerns that may jeopardize renewal, if not timely rectified. The charter holder shall have thirty (30) days to respond to the performance report and submit any corrections or clarifications for the report.

(3) The renewal application guidance shall, at a minimum, provide an opportunity for the charter holder to:

- (a) Present additional evidence, beyond the data contained in the performance report, supporting its case for charter renewal; and
- (b) Describe improvements undertaken or planned for the school.

(4) The renewal application guidance shall include or refer explicitly to the criteria that will guide the authorizer's renewal decisions, which shall be based on independent fiscal audits and the performance framework set forth in the performance certificate.

(5) No later than December 15, the charter holder seeking renewal shall submit a renewal application to the authorizer pursuant to the renewal application guidance issued by the authorizer. The authorizer shall vote on the renewal application no later than March 15; if the authorizer does not vote by March 15, the application shall be deemed approved.

(6) In making charter renewal decisions, every authorizer shall:

- (a) Ground its decisions in evidence of the school's performance over the term of the performance certificate;
- (b) Ensure that data used in making renewal decisions are available to the school and the public;
- (c) Take into consideration the actual and potential at-risk and economically disadvantaged makeup of the student body population as defined in section 33-1001, Idaho Code, for all grade levels;
- (d) Provide a public report summarizing the evidence basis for each decision.

(7) An authorizer shall renew any charter in which the public charter school met all of the terms of its performance certificate at the time of renewal for a term of twelve (12) years or, in the case of a pilot charter, a renewal term of six (6) years. An authorizer may renew for a six (6) year term or choose not to renew any charter in which the public charter school failed to meet one (1) or more of the terms of its performance certificate.

~~(8) If an authorizer takes no action on a renewal, the charter shall be provisionally renewed until such time as the chartering entity takes action.~~

~~(9)~~ (8) A decision not to renew a charter or to deny a revision of a charter may be appealed to the office of administrative hearings and is subject to judicial review as a contested case as set forth in chapter 52, title 67, Idaho Code.

SECTION 7. An emergency existing therefor, which emergency is hereby declared to exist, Sections 5 and 6 of this act shall be in full force and effect on and after passage and approval, and Sections 1 through 4 of this act shall be in full force and effect on and after July 1, 2024.

Approved April 8, 2024

CHAPTER 303
(H.B. No. 763)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM; APPROPRIATING ADDITIONAL MONEYS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF STUDENT SUPPORT FOR FISCAL YEAR 2025; APPROPRIATING GENERAL FUND MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND; ESTABLISHING THE STUDENT SUPPORT DIVISION AND CLARIFYING DISTRIBUTIONS FOR FISCAL YEAR 2025; AMENDING SECTION 13, AS ADDED BY HOUSE BILL NO. 460, AS ENACTED BY THE SECOND REGULAR SESSION OF THE SIXTY-SEVENTH IDAHO LEGISLATURE, TO CLARIFY DISCRETIONARY FUND DISTRIBUTIONS; AMENDING SECTION 14 AS ADDED BY HOUSE BILL NO. 460, AS ENACTED BY THE SECOND REGULAR SESSION OF THE SIXTY-SEVENTH IDAHO LEGISLATURE, TO CLARIFY HEALTH BENEFIT AND INSURANCE FUNDS DISTRIBUTIONS; AMENDING SECTION 24, AS ADDED BY HOUSE BILL NO. 460, AS ENACTED BY THE SECOND REGULAR SESSION OF THE SIXTY-SEVENTH IDAHO LEGISLATURE, TO CLARIFY THE DISTRIBUTION OF FUNDS FOR THE PURCHASE OF DIGITAL CONTENT AND CURRICULA; RESTRICTING DEPOSITS TO THE PUBLIC EDUCATION STABILIZATION FUND; TRANSFERRING MONEYS FROM THE PUBLIC SCHOOL INCOME FUND TO THE SCHOOL DISTRICT FACILITIES FUND AND THE CAREER READY STUDENTS PROGRAM FUND; PROVIDING REAPPROPRIATION AUTHORITY; PROVIDING FOR OPEN ENROLLMENT REPORTING INFORMATION; AMENDING SECTION 33-1004E, IDAHO CODE, TO INCREASE THE BASE SALARY APPORTIONMENT FOR ADMINISTRATIVE AND CLASSIFIED STAFF; CLARIFYING THE ORIGINAL FUND SOURCE FOR ADDITIONAL EXPENDITURES FOR THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF STUDENT SUPPORT FOR FISCAL YEAR 2025; REDUCING THE APPROPRIATION FOR THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF ADMINISTRATORS FOR FISCAL YEAR 2024; REDUCING THE APPROPRIATION FOR THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF OPERATIONS FOR FISCAL YEAR 2024; PROVIDING AN ADDITIONAL APPROPRIATION FOR THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF OPERATIONS FOR FISCAL YEAR 2024; CLARIFYING THE DISTRIBUTION OF ONETIME DISCRETIONARY FUNDS FOR FISCAL YEAR 2024; CLARIFYING THE ORIGINAL FUND SOURCE FOR REDUCED EXPENDITURES FOR THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF ADMINISTRATORS FOR FISCAL YEAR 2024; CLARIFYING THE ORIGINAL FUND SOURCE FOR REDUCED EXPENDITURES FOR THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF OPERATIONS FOR FISCAL YEAR 2024; CLARIFYING THE ORIGINAL FUND SOURCE FOR ADDITIONAL EXPENDITURES FOR THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF OPERATIONS FOR FISCAL YEAR 2024; AND DECLARING AN EMERGENCY AND PROVIDING EFFECTIVE DATES.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the Public Schools Educational Support Program's Division of Student Support the following amounts to be expended from the listed funds for the period July 1, 2024, through June 30, 2025:

FROM:

Public School Income Fund	\$8,585,200
American Rescue Plan Fund	<u>99,957,700</u>
TOTAL	\$108,542,900

SECTION 2. There is hereby appropriated and the Office of the State Controller shall transfer \$627,800 from the General Fund to the Public School Income Fund on July 1, 2024, or as soon thereafter as practicable for the period July 1, 2024, through June 30, 2025.

SECTION 3. ESTABLISHMENT OF THE STUDENT SUPPORT DIVISION. Any moneys appropriated to the Public Schools Educational Support Program's Divisions of Administrators, Operations, and Children's Programs for fiscal year 2025 shall be considered the same as if appropriated in the Student Support Division.

SECTION 4. That Section 13 as added by House Bill No. 460, as enacted by the Second Regular Session of the Sixty-seventh Idaho Legislature, be, and the same is hereby amended to read as follows:

SECTION 13. DISCRETIONARY FUNDS. Notwithstanding any law to the contrary, for the period July 1, 2024, through June 30, 2025, it is estimated that the appropriation of state funds to the Public Schools Educational Support Program's Division of Operations as part of the Student Support Division will result in total discretionary funds of ~~\$19,537~~ \$23,472 per support unit that are to be used at the discretion of the school district or charter school.

SECTION 5. That Section 14 as added by House Bill No. 460, as enacted by the Second Regular Session of the Sixty-seventh Idaho Legislature, be, and the same is hereby amended to read as follows:

SECTION 14. HEALTH BENEFIT AND INSURANCE FUNDS. Notwithstanding any law to the contrary, for the period July 1, 2024, through June 30, 2025, it is estimated that the appropriation of state funds to the Public Schools Educational Support Program's Division of Operations as part of the Student Support Division will result in total health benefits or insurance and health benefits-related funds of ~~\$21,854~~ \$20,150 per support unit to be used to offset the costs of health, vision, and dental benefits or insurance offered to school employees. If the distribution provided for health, vision, and dental benefits or insurance is in excess of the individual school district's or charter school's actual costs, the excess funds may then be used at school district's or charter school's discretion. Further, the State Department of Education shall work with the Legislative Services Office Budget and Policy Analysis Division and the Division of Financial Management to determine the information that the State Department of Education shall collect on school districts' and charter schools' health, vision, and dental benefits or insurance plan information and costs, including but not limited to actual insurance premium costs, premium percentage increases, and health insurance revenues and expenditures from all fund sources.

SECTION 6. That Section 24 as added by House Bill No. 460, as enacted by the Second Regular Session of the Sixty-seventh Idaho Legislature, be, and the same is hereby amended to read as follows:

SECTION 24. DIGITAL CONTENT. Of the funds appropriated in Section 4 of this act, \$1,600,000 shall be distributed by the State Department of Education to school districts and public charter schools to purchase digital con-

~~tent and curricula of their choice. Funding will be distributed based on a formula prescribed by the State Department of Education that includes a base amount and an amount based on the number of midterm support units subject to Section 33-4804(2), Idaho Code.~~

SECTION 7. PUBLIC EDUCATION STABILIZATION FUND DEPOSITS. Notwithstanding Section 33-907, Idaho Code, and any other provision of law to the contrary, no moneys appropriated for the period July 1, 2023, through June 30, 2024, shall be deposited into the Public Education Stabilization Fund from the Public School Income Fund.

SECTION 8. PUBLIC SCHOOL INCOME FUND TRANSFERS. After the State Department of Education has reconciled the appropriation to actual disbursements for public schools for the 2023-2024 school year, the State Department of Education shall notify the Office of the State Controller, and the State Controller shall transfer as soon as practicable a total of \$40,000,000 from the Public School Income Fund with \$20,000,000 being transferred to the School District Facilities Fund established in Section 33-911, Idaho Code, and \$20,000,000 transferred to the Career Ready Students Program Fund established in Section 33-2214, Idaho Code. If there is insufficient cash to meet the \$40,000,000 transfer, the State Controller shall adjust each transfer proportionately.

SECTION 9. REAPPROPRIATION AUTHORITY. Any moneys remaining in the Public School Income Fund after the transfers in Section 8 of this act have been made are hereby reappropriated for the period July 1, 2024, through June 30, 2025, for the purpose of distributing moneys on a onetime basis pursuant to the criteria outlined in Section 33-1018, Idaho Code, using the average daily attendance counts provided for in Section 33-1003A, Idaho Code, from the 2023-2024 school year, and shall be distributed as soon as practicable. Any moneys reappropriated in this section shall be considered expended in the Public Schools Educational Support Program in fiscal year 2024 to be consistent with prior years and to ensure the General Fund cash reconciliation is accurate.

SECTION 10. OPEN ENROLLMENT INFORMATION. The State Department of Education shall withhold the November payment for any school district that is not in compliance with the provisions of Section 33-1409, Idaho Code, until such time as such school district becomes compliant.

SECTION 11. That Section 33-1004E, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

(2) Effective July 1, 2022, no full-time instructional staff member or pupil service staff member on the professional or advanced professional

compensation rung shall be paid less than the minimum dollar amount on the career ladder professional compensation rung pursuant to section 33-1004B, Idaho Code, for the applicable fiscal year.

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

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

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

(6) To determine the apportionment for district administrative staff, first determine the district average experience and education index by placing all eligible certificated administrative employees on the statewide index provided in section 33-1004A, Idaho Code. The resulting average is the district index. If the district does not employ any administrative staff, the district administrative index shall equal the statewide average index for purposes of calculating administrative salary-based apportionment. On and after July 1, 2023 ~~2024~~, the district administrative staff index shall be multiplied by the base salary of ~~forty-three thousand one hundred fifty-one dollars (\$43,151)~~ forty-four thousand four hundred forty-six dollars (\$44,446). The amount so determined shall be multiplied by the district staff allowance for administrative staff determined as provided in section 33-1004(4), Idaho Code. The resulting amount is the district's salary-based apportionment for administrative staff.

(7) On and after July 1, 2023 ~~2024~~, to determine the apportionment for classified staff, multiply ~~thirty-eight thousand eight hundred two dollars (\$38,802)~~ thirty-nine thousand nine hundred sixty-six dollars (\$39,966) by the district classified staff allowance determined as provided in section 33-1004(5), Idaho Code. The amount so determined is the district's apportionment for classified staff.

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

SECTION 12. Of the amounts appropriated in Section 1 of this act for the Public Schools Educational Support Program's Division of Student Support, the following amounts shall be considered expended from the listed funds for the period July 1, 2024, through June 30, 2025:

FROM:

General Fund	\$627,800
Public School Other Income Fund	6,450,000
Public School Endowment Income Fund	1,507,400
American Rescue Plan Fund	<u>99,957,700</u>
TOTAL	\$108,542,900

SECTION 13. Notwithstanding any other provision of law to the contrary, the appropriation made to the Public Schools Educational Support Program's Division of Administrators in Section 1, Chapter 224, Laws of 2023, from the Public School Income Fund, is hereby reduced by \$7,699,500 for the period July 1, 2023, through June 30, 2024.

SECTION 14. Notwithstanding any other provision of law to the contrary, the appropriation made to the Public Schools Educational Support Program's Division of Operations in Section 1, Chapter 277, Laws of 2023, from the Public School Income Fund, is hereby reduced by \$61,206,800 for the period July 1, 2023, through June 30, 2024.

SECTION 15. In addition to the appropriation made in Section 1, Chapter 277, Laws of 2023, and any other appropriation provided for by law, there is hereby appropriated to the Public Schools Educational Support Program's Division of Operations \$105,000,000 from the Public School Income Fund to be expended for the period July 1, 2023, through June 30, 2024.

SECTION 16. DISCRETIONARY FUNDS. Of the additional moneys appropriated in Section 15 of this act, the State Department of Education shall distribute these onetime discretionary funds as an additional distribution separate from any other ongoing discretionary funds as distributed pursuant to Section 4, Chapter 277, Laws of 2023. Funds shall be distributed pursuant to the requirements in Sections 33-1018 and 33-1003A, Idaho Code.

SECTION 17. Of the reduced amounts in Section 13 of this act for the Public Schools Educational Support Program's Division of Administrators, \$7,699,500 shall be considered reduced from the amounts considered expended from the General Fund for the period July 1, 2023, through June 30, 2024.

SECTION 18. Of the reduced amounts in Section 14 of this act for the Public Schools Educational Support Program's Division of Operations, \$61,206,800 shall be considered reduced from the amounts considered expended from the General Fund for the period July 1, 2023, through June 30, 2024.

SECTION 19. Of the additional amounts in Section 15 of this act for the Public Schools Educational Support Program's Division of Operations, \$105,000,000 shall be considered expended from the General Fund for the period July 1, 2023, through June 30, 2024.

SECTION 20. An emergency existing therefor, which emergency is hereby declared to exist, Sections 13 through 19 of this act shall be in full force and effect on and after passage and approval, and Sections 1 through 12 of this act shall be in full force and effect on and after July 1, 2024.

Approved April 8, 2024

CHAPTER 304

(S.B. No. 1354, As Amended, As Amended in the House)

AN ACT

RELATING TO HEALTH; AMENDING SECTION 16-2422, IDAHO CODE, TO CLARIFY PROVISIONS REGARDING INFORMED CONSENT AND TO ESTABLISH PROVISIONS REGARDING CONDITIONS REQUIRED FOR ADMINISTRATION OF ELECTROCONVULSIVE THERAPY TO CHILDREN; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 16-2422, Idaho Code, be, and the same is hereby amended to read as follows:

16-2422. INFORMED CONSENT TO MEDICATION OR OTHER TREATMENT -- PERSONS UNDER VOLUNTARY TREATMENT. (1) A facility may not administer any treatments or medications to a child admitted to the facility as a voluntary patient under section 16-2407, Idaho Code, unless the parent, guardian or custodian of the child has given informed consent to the treatment, except that emergency or medically necessary treatments may be given without informed consent, if delay in treatment may cause harm to the child, and the parent, guardian, or custodian of the child is not available. Nothing in this subsection shall apply to electroconvulsive therapy.

(2) Electroconvulsive therapy may be administered to a child fourteen (14) years of age or older only if:

(a) There is informed consent by the parent, guardian, or custodian of the child and all reasonable attempts have been made to contact any non-custodial parent with all information regarding the proposed therapy;

(b) The child does not object to the procedure after being informed of the proposed therapy and alternatives;

(c) No parent, guardian, or custodian of the child objects to the proposed therapy;

(d) All other accepted methods of treatment have been exhausted; such treatment is necessary to save the child's life due to potential suicide; or such therapy is necessary to prevent irreparable injury resulting from conditions of self-harm, starvation, dehydration, or physical exhaustion bordering on serious collapse, to the extent that such condition is life threatening;

(e) The child has received thorough, independent psychiatric assessments by, and approval for the therapy from, two (2) separate american board of psychiatry-certified psychiatrists specializing in child and adolescent psychiatry, at least one (1) of whom shall demonstrate advanced certification in electroconvulsive therapy.

(f) The child is given a cognitive assessment that includes an assessment of memory, which shall be performed:

(i) Prior to administration of the therapy;

(ii) Immediately following termination of the therapy; and

(iii) Three (3) to six (6) months post administration of the therapy; and

(g) The therapy is performed in a facility licensed as a hospital pursuant to chapter 13, title 39, Idaho Code.

~~(2)~~ (3) After informed consent has been given, the parent, guardian or custodian of a child may revoke such consent at any time, by clearly communicating such revocation to facility staff. When consent has been revoked, the facility shall promptly discontinue the treatment, provided that a course of treatment, except for electroconvulsive therapy, may be concluded or phased out where necessary to avoid the harmful effects of abrupt withdrawal. The facility may require the parent, guardian, or custodian to sign a written revocation of consent before discontinuing the treatment.

~~(3)~~ (4) Except in an emergency situation, the parents of a child being treated voluntarily shall have the right to refuse any and all medications or other treatments, but electroconvulsive therapy shall never be administered unless there is compliance with subsection (2) of this section. If appropriate medications or treatments are refused, and the facility is unable to care for the child without such treatments, the facility may then discharge the child, with due care for his safety. Neither the facility nor providers shall be held liable. If the child appears to meet the criteria for involuntary treatment as specified in section 16-2418, Idaho Code, the facility may file a petition for involuntary treatment.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved April 8, 2024

CHAPTER 305
(H.B. No. 765)

AN ACT

RELATING TO THE APPROPRIATION TO THE JUDICIAL BRANCH; APPROPRIATING ADDITIONAL MONEYS TO THE JUDICIAL BRANCH FOR FISCAL YEAR 2025; REDUCING THE APPROPRIATION OF THE JUDICIAL BRANCH FOR FISCAL YEAR 2025; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the Judicial Branch the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2024, through June 30, 2025:

	FOR	FOR	FOR	FOR	
	PERSONNEL	OPERATING	CAPITAL	TRUSTEE AND	
	COSTS	EXPENDITURES	OUTLAY	BENEFIT	TOTAL
				PAYMENTS	
I. COURT OPERATIONS:					
A. SUPREME COURT:					
FROM:					
General					
Fund	\$6,817,400	\$2,029,500	\$45,500		\$8,892,400

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Federal Grant					
Fund	<u>7,600</u>	<u>0</u>	<u>0</u>		<u>7,600</u>
TOTAL	\$6,825,000	\$2,029,500	\$45,500		\$8,900,000
 B. COURT OF APPEALS:					
FROM:					
General					
Fund	\$21,600				\$21,600
 C. DISTRICT COURTS:					
FROM:					
General					
Fund	\$277,100	\$11,000	\$1,467,900		\$1,756,000
State-Directed Opioid Settlement					
Fund	3,800				3,800
Court Technology					
Fund	99,600	3,711,500			3,811,100
Drug Court, Mental Health Court and Family Court Services					
Fund	<u>31,400</u>	<u>0</u>	<u>0</u>		<u>31,400</u>
TOTAL	\$411,900	\$3,722,500	\$1,467,900		\$5,602,300
 D. MAGISTRATE DIVISION:					
FROM:					
General					
Fund	\$10,700				\$10,700
Drug Court, Mental Health Court and Family Court Services					
Fund	20,800				20,800
Guardianship Pilot Project					
Fund	4,600				4,600
Federal Grant					
Fund	<u>400</u>				<u>400</u>
TOTAL	\$36,500				\$36,500
 E. WATER ADJUDICATION:					
FROM:					
General					
Fund	\$12,400				\$12,400

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
F. COMMUNITY-BASED SUBSTANCE ABUSE TREATMENT SERVICES:					
FROM:					
Substance Abuse Treatment					
Fund	\$4,300				\$4,300
DIVISION TOTAL	\$7,311,700	\$5,752,000	\$1,513,400		\$14,577,100
II. GUARDIAN AD LITEM PROGRAM:					
FROM:					
General					
Fund				\$217,000	\$217,000
III. JUDICIAL COUNCIL:					
FROM:					
General					
Fund		\$32,400			\$32,400
GRAND TOTAL	\$7,311,700	\$5,784,400	\$1,513,400	\$217,000	\$14,826,500

SECTION 2. Notwithstanding any other provision of law to the contrary, the appropriation made to the Judicial Branch is hereby reduced by the following amounts according to the designated programs and expense classes from the listed funds for the period July 1, 2024, through June 30, 2025:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
I. COURT OPERATIONS:			
A. SUPREME COURT:			
FROM:			
Miscellaneous Revenue			
Fund		\$47,500	\$47,500
B. DISTRICT COURTS:			
FROM:			
Court Technology			
Fund	\$5,815,500		\$5,815,500
C. SENIOR JUDGES:			
FROM:			
General			
Fund	\$11,300		\$11,300
GRAND TOTAL	\$5,826,800	\$47,500	\$5,874,300

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved April 8, 2024

CHAPTER 306
(H.B. No. 768)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF ADMINISTRATION FOR THE DIVISION OF PUBLIC WORKS; APPROPRIATING MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR THE DIVISION OF PUBLIC WORKS FOR FISCAL YEAR 2025; AUTHORIZING AND DIRECTING THE ALLOCATION OF FUNDS FOR SPECIFIC PROJECTS FOR FISCAL YEAR 2025; PROVIDING REQUIREMENTS FOR UTILIZATION OF MATCHING FUNDS; PROVIDING REQUIREMENTS REGARDING REALLOCATION OF PROJECT SAVINGS; PROVIDING REQUIREMENTS REGARDING REPORTING; PROVIDING FOR UNREALIZED CAPITAL PROJECTS; PROVIDING FOR REMAINING APPROPRIATION BALANCES; PROVIDING FOR REPURPOSING OF AN APPROPRIATION; PROVIDING FOR REPURPOSING OF AN APPROPRIATION; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE PERMANENT BUILDING FUND FOR FISCAL YEAR 2025; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. There is hereby appropriated to the Department of Administration for the Division of Public Works \$174,908,300 to be expended for capital outlay from the Permanent Building Fund for the period July 1, 2024, through June 30, 2025.

SECTION 2. ALLOCATION OF FUNDS FOR SPECIFIC PROJECTS. Moneys appropriated in Section 1 of this act, or so much thereof as in each case may be necessary, shall be used for the purpose of paying the cost of any land, building, or equipment, or for the rebuilding, renovation, or repair of buildings, installations, facilities, or structures, at the places, institutions, and agencies, or their successors, including those listed in this section. The Permanent Building Fund Advisory Council is hereby authorized and directed to anticipate revenues accruing to the Permanent Building Fund for the purpose of undertaking the construction, renovation, repair, and acquisitions therein authorized, without delay, and to determine the priority of construction pursuant to which the work hereunder will be undertaken.

MAINTENANCE PROJECTS IN THE FOLLOWING AREAS:

Alteration and Repair Projects	\$78,451,100
Asbestos Abatement	500,000
Statewide Americans with Disabilities Act Compliance	4,016,300
Facilities Maintenance	<u>4,480,900</u>
TOTAL	\$87,448,300

CAPITAL PROJECTS:

IDOC New Female Prison	\$25,000,000
IDOC Secure Mental Health Facility	25,000,000
Orchard Readiness Center	345,000

BSU Science & Research Building	13,000,000
ISU Physician Assistant Exp.	7,000,000
U of I Meat Science & Innovation Center	2,000,000
U of I MOSS Campus	2,000,000
LCSC Mechanical Technical Bldg & Wittman Complex Updates	6,115,000
IESDB Residential Cottages	6,000,000
IESDB Bus Storage Barn	<u>1,000,000</u>
TOTAL	\$87,460,000
 GRAND TOTAL	 \$174,908,300

SECTION 3. UTILIZATION OF MATCHING FUNDS. Moneys appropriated in this act may be made available for matching any allocation of moneys now in existence or hereafter made available by agencies of the United States and/or private donations; and the Division of Public Works is authorized to expend, for the purpose of paying the cost of any land, building, or equipment, or for the rebuilding, renovation, or repair of buildings, moneys appropriated for public works to various agencies as part of the respective agency operating budgets, provided the express approval by the Permanent Building Fund Advisory Council is granted to make application for such moneys in each instance.

SECTION 4. REALLOCATION OF PROJECT SAVINGS. The Division of Public Works may have the flexibility to allocate any savings or unused appropriation from any project to any other requested and funded project. The reallocation of such appropriation must be approved by the Permanent Building Fund Advisory Council prior to the funds being spent.

SECTION 5. REPORTING. The Division of Public Works shall provide a report to the Joint Finance-Appropriations Committee on the status of capital projects, statewide deferred maintenance, alterations and repairs, Capitol Mall and Chinden Campus facilities maintenance, Americans with Disabilities Act compliance projects, and asbestos abatement. The report shall identify completed projects, total expenditures and commitments by capital project, and estimated costs for each capital project for the current fiscal year. The report shall also provide a narrative explanation for any capital project for which construction has not started, or that the Division does not anticipate will start, within 24 months of its initial appropriation from the Permanent Building Fund. Such report shall be provided to the Joint Finance-Appropriations Committee and the Budget and Policy Analysis Division of the Legislative Services Office no later than November 15, 2024.

SECTION 6. NEW APPROPRIATION FOR UNREALIZED CAPITAL PROJECTS. Notwithstanding the provision of any law to the contrary, any appropriation from the Permanent Building Fund for a capital project for which construction activity has not begun in the four years from its initial appropriation shall be available for consideration for new appropriation. The Permanent Building Fund Advisory Council and Division of Public Works shall identify such funds and make a recommendation for their use in its budget submission in November 2024.

SECTION 7. NEW APPROPRIATION FOR REMAINING BALANCES. Notwithstanding the provision of any law to the contrary, any unexpended and unencumbered appropriation balance remaining for a completed capital project, and any appropriation for alterations and repairs or facilities maintenance with an unexpended and unencumbered balance remaining five years from its initial appropriation, shall be available for new appropriation. The Permanent Building Fund Advisory Council shall identify such funds and make a recommendation for their use in its budget submission in November 2024.

SECTION 8. REPURPOSING OF APPROPRIATION FOR IDOC TRAINING AND DEVELOPMENT CENTER. Notwithstanding the provisions of Section 2, Chapter 75, Laws of 2021; Section 2, Chapter 242, Laws of 2019; and any other provision of law to the contrary, \$7,000,000 appropriated to the Department of Administration for the Division of Public Works from the Permanent Building Fund for capital projects for the Idaho Department of Correction shall be repurposed to purchase and renovate the Department of Correction Training and Development Center located at 1090 E Watertower Street, Meridian, Idaho, 83642. Of the appropriation provided in Section 2, Chapter 75, Laws of 2021, \$5,000,000 appropriated for IDOC Connection and Intervention Station Housing shall be repurposed. Of the appropriation provided in Section 2, Chapter 242, Laws of 2019, \$2,000,000 appropriated for the Department of Correction North Idaho Reentry Center shall be repurposed.

SECTION 9. REPURPOSING OF APPROPRIATION FOR OROFINO MINIMUM SECURITY DORM AND ISU PA FACILITIES EXPANSION. Notwithstanding the provisions of Section 2, Chapter 256, Laws of 2022, and any other provision of law to the contrary, \$12,568,100 appropriated to the Department of Administration for the Division of Public Works from the Permanent Building Fund for deferred maintenance shall be repurposed for new capital projects. Such projects shall include: a 100-bed minimum security dormitory at the Idaho State Correctional Institution - Orofino for the Department of Correction, for which \$10,000,000 shall be utilized; and expanding Idaho State University's facilities for its physician assistant program, for which \$2,568,100 shall be utilized. Of the interest earnings generated in fiscal year 2024 from the Budget Stabilization Fund and Permanent Building Fund that accrue to the Permanent Building Fund, \$12,568,100 shall restore the contingency funds for deferred maintenance projects utilized for such capital projects.

SECTION 10. CASH TRANSFER. There is hereby appropriated and the Office of the State Controller shall transfer \$23,000,000 from the General Fund to the Permanent Building Fund on July 1, 2024, or as soon thereafter as practicable for the period July 1, 2024, through June 30, 2025.

SECTION 11. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved April 8, 2024

CHAPTER 307

(H.B. No. 570, As Amended in the Senate)

AN ACT

RELATING TO ALCOHOLIC BEVERAGES; AMENDING SECTION 23-302, IDAHO CODE, TO PROVIDE THAT CERTAIN SPECIAL DISTRIBUTORS OF LIQUOR SHALL BE ALLOWED TO CONTINUE TO OPERATE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 23-302, Idaho Code, be, and the same is hereby amended to read as follows:

23-302. DISTRIBUTING STATIONS -- NOTICE OF INTENT TO LOCATE. (a) The division may select a special distributor in any municipality where in its judgment a liquor store is not required; or in any unincorporated locality, but only if satisfied of the existence therein of adequate local police protection, upon the furnishing by said distributor of a bond satisfactory to the division, conditioned for his faithful observance of this act and the rules and regulations of the division thereunder, and if the provisions of section 23-301, Idaho Code, are complied with.

(b) In maintaining the location of any such store or station, or in discontinuing the same, the division shall give due consideration to the normal local demand for alcoholic liquor by resident temperate adult consumers and the local community sentiment with respect to the liquor traffic as expressed by ordinance or otherwise; provided, however, that if the division located a state liquor store in a municipality with a special distributor on or after January 1, 2023, then any store or station that was in operation as such a special distributor shall be allowed to continue to operate as a special distributor in that location and municipality as long as the store or station otherwise complies with the provisions of this chapter and the rules and regulations of the division, including the provisions of the special distributor agreement. Such special distributor agreements shall not be assignable or transferable.

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

Approved April 8, 2024

CHAPTER 308
(H.B. No. 767)

AN ACT

RELATING TO THE IDAHO ADMINISTRATIVE PROCEDURE ACT; AMENDING SECTION 67-5224, IDAHO CODE, TO REVISE A CODE REFERENCE; AMENDING SECTION 67-5291, IDAHO CODE, TO PROVIDE FOR WHEN PENDING FEE AND NON-FEE RULES SHALL BECOME EFFECTIVE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 67-5224, Idaho Code, be, and the same is hereby amended to read as follows:

67-5224. PENDING RULE. (1) Prior to the adoption of a rule, the agency shall consider fully all written and oral submissions respecting the proposed rule.

(2) Subject to the provisions of subsection (3) of this section, the agency shall publish the text of a pending rule and a notice of adoption of the pending rule in the bulletin. The notice of adoption of the pending rule shall consist of a concise explanatory statement containing:

(a) Reasons for adopting the rule;

(b) Any changes between the text of the proposed rule and the text of the pending rule with the reasons for any changes;

(c) The date on which the pending rule will become final and effective, as provided in section 67-5291-~~(5)~~(6), Idaho Code, and a statement that the pending rule must be approved by concurrent resolution of the legislature;

(d) An identification of any pending fee rule and a statement that this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the legislature;

(e) The specific statutory authority for the rulemaking including a citation to the specific section of the Idaho Code that has occasioned the rulemaking, or the federal statute or regulation if that is the basis of authority or requirement for the rulemaking; and

(f) Except as otherwise required in paragraph (g) of this subsection, a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year when the pending rule will become effective; provided however, that notwithstanding section 67-5231, Idaho Code, the absence or accuracy of a fiscal impact statement provided pursuant to this paragraph shall not affect the validity or the enforceability of the rule; or

(g) If a notice of proposed rulemaking of the Idaho state tax commission, a specific description of any negative or positive fiscal impact greater than ten thousand dollars (\$10,000) during the fiscal year when the pending rule will become effective; provided however, notwithstanding section 67-5231, Idaho Code, the absence or accuracy of a fiscal impact statement provided pursuant to this paragraph shall not affect the validity or the enforceability of the rule.

(3) With the permission of the coordinator, the agency need not publish in full the text of the pending rule if no significant changes have been made from the text of the proposed rule as published in the bulletin, but the notice of adoption of the pending rule must cite the volume of the bulletin where the text is available and note all changes that have been made.

(4) An agency shall not publish a pending rule until at least seven (7) days after the close of all public comment.

(5) Each agency shall provide the coordinator with a description of any pending fee rule, along with a citation of the specific statute authorizing the imposition or increase of the fee or charge. The coordinator shall provide the legislature with a compilation of the descriptions provided by the agencies.

(6) Upon adjournment sine die of the legislature or as soon thereafter as is practicable, the coordinator shall publish the date of adjournment and the date rules became effective and a list of final rules becoming effective on a different date, as provided in section 67-5291, Idaho Code, and temporary rules remaining in effect as provided in section 67-5291, Idaho Code.

SECTION 2. That Section 67-5291, Idaho Code, be, and the same is hereby amended to read as follows:

67-5291. LEGISLATIVE REVIEW OF RULES. (1) A standing committee of the legislature shall review any temporary, pending, or final rule that is germane to its committee and has been published in the bulletin or in the administrative code to determine if the rule is consistent with the legislative intent of the statute that the rule was written to interpret, prescribe, implement, or enforce. If a reviewed rule is approved, the standing committee that approves the rule shall report its findings and recommendations to the body. If ordered by the presiding officer, the committee's report shall be printed in the journal.

(2) (a) All temporary, pending, and final rules of any nature may be approved or rejected by a concurrent resolution of the legislature. The concurrent resolution shall state the effective date of the approval or rejection.

(b) The legislature may reject a rule, in whole or in part, where the legislature determines that the rule, or part of the rule, is not consistent with the legislative intent of the statute that the rule was written to interpret, prescribe, implement, or enforce. When rejecting a rule, the legislature shall make a finding of facts as to why the rule does not meet the legislative intent of the enabling statute by identifying how the rule is inconsistent with the authority granted by or the requirements of the corresponding section of Idaho Code. For purposes of this section, "part of the rule" means a provision in a rule that is designated either numerically or alphabetically or the entirety of any new or amended language contained therein. The rejection of a rule in whole or in part shall terminate the rule, in whole or in part, as of the effective date of the rejection. An agency shall not, subsequent to the rejection, issue a proposed rule that is substantially similar to the rejected rule unless it is consistent with the legislative intent of the statute as expressed in the concurrent resolution.

(c) The secretary of state shall immediately notify the affected agency of the filing and effective date of any concurrent resolution enacted to approve or reject, in whole or in part, an agency rule. When an agency rule has been partially rejected, the secretary of state shall transmit a copy of the concurrent resolution to the director of the agency for promulgation of the rule as amended.

(d) The agency shall be responsible for implementing legislative intent as expressed in the concurrent resolution, including, as appropriate, the reinstatement of the prior rule in whole or in part, if any, in the case of a resolution rejecting a rule in whole or in part. The agency shall publish notice of rejection of a rule in whole or in part in the bulletin.

(3) A temporary rule that is not approved by a concurrent resolution shall expire by its own terms or at adjournment sine die of the next succeeding regular session of the legislature, whichever date is earlier.

(4) Except as set forth in sections 67-5226 and 67-5228, Idaho Code, a pending fee rule that is not approved by a concurrent resolution shall expire upon adjournment sine die of the legislative session during which the agency submits the pending fee rule to the legislature for review.

(5) Except as set forth in sections 67-5226 and 67-5228, Idaho Code, a pending non-fee rule that is not approved by a concurrent resolution shall expire upon adjournment sine die of the legislative session during which the agency submits the pending rule to the legislature for review.

(6) On and after January 1, 2024, pending fee and non-fee rules shall become effective on July 1 in the year of the legislative session in which the rule was approved by concurrent resolution unless otherwise specified in the concurrent resolution.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved April 8, 2024

CHAPTER 309
(H.B. No. 758)

AN ACT

RELATING TO THE APPROPRIATION TO THE OFFICE OF THE STATE CONTROLLER; APPROPRIATING ADDITIONAL MONEYS TO THE OFFICE OF THE STATE CONTROLLER FOR FISCAL YEAR 2024; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. In addition to the appropriation made in Section 1, Chapter 173, Laws of 2023, and any other appropriation provided for by law, there is hereby appropriated to the Office of the State Controller for the Administration Program \$60,000 from the General Fund to be expended for trustee and benefits payments for the period July 1, 2023, through June 30, 2024.

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

Approved April 8, 2024

CHAPTER 310
(H.B. No. 722)

AN ACT

RELATING TO THE APPROPRIATION TO THE WORKFORCE DEVELOPMENT COUNCIL; APPROPRIATING ADDITIONAL MONEYS TO THE WORKFORCE DEVELOPMENT COUNCIL FOR FISCAL YEAR 2025; AUTHORIZING ADDITIONAL FULL-TIME EQUIVALENT POSITIONS; PROVIDING REAPPROPRIATION AUTHORITY FOR THE ARPA STATE FISCAL RECOVERY FUND; PROVIDING REAPPROPRIATION AUTHORITY FOR THE ARPA STATE FISCAL RECOVERY FUND; PROVIDING REAPPROPRIATION AUTHORITY FOR THE IN-DEMAND CAREERS FUND; PROVIDING REAPPROPRIATION AUTHORITY FOR THE WORKFORCE DEVELOPMENT TRAINING FUND; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the Workforce Development Council the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2024, through June 30, 2025:

	FOR PERSONNEL COSTS	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:			
Workforce Development Training			
Fund	\$6,900		\$6,900
In-Demand Careers			
Fund	229,800	\$70,766,700	70,996,500
ARPA State Fiscal Recovery			
Fund	192,400		192,400
Federal Grant			
Fund	<u>3,800</u>	<u>0</u>	<u>3,800</u>
TOTAL	\$432,900	\$70,766,700	\$71,199,600

SECTION 2. FTP AUTHORIZATION. In addition to any other authorization provided by law, the full-time equivalent position authorization provided to the Workforce Development Council is hereby increased by three (3.00) for the period July 1, 2024, through June 30, 2025.

SECTION 3. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Workforce Development Council any unexpended and unencumbered balance appropriated or reappropriated to the Workforce Development Council from the ARPA State Fiscal Recovery Fund for fiscal year 2024, to be used for workforce training grants for the period July 1, 2024, through June 30, 2025. The Office of the State Controller shall confirm the reappropriation amounts, by fund and expense class, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 4. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Workforce Development Council any unexpended and unencumbered balance appropriated or reappropriated to the Workforce Development Council from the ARPA State Fiscal Recovery Fund for fiscal year 2024, to be used for childcare infrastructure grants for the period July 1, 2024, through June 30, 2025. The Office of the State Controller shall confirm the reappropriation amounts, by fund and expense class, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 5. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Workforce Development Council any unexpended and unencumbered balance appropriated or reappropriated to the Workforce Development Council from the In-Demand Careers Fund for fiscal year 2024, to be used for Idaho Launch grants for the period July 1, 2024, through June 30, 2025. The Office of the State Controller shall confirm the reappropriation amounts, by fund and expense class, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 6. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Workforce Development Council any unexpended and unencumbered balance appropriated or reappropriated to the Workforce Development Council from the Workforce Development Training Fund for fiscal year 2024, to be used for semiconductor grants for the period July 1, 2024, through June 30, 2025. The Office of the State Controller shall confirm the reappropriation amounts, by fund and expense class, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 7. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved April 8, 2024

CHAPTER 311
(S.B. No. 1434)

AN ACT

RELATING TO THE APPROPRIATION TO THE OFFICE OF THE ATTORNEY GENERAL; APPROPRIATING ADDITIONAL MONEYS TO THE OFFICE OF THE ATTORNEY GENERAL FOR FISCAL YEAR 2025; AUTHORIZING ADDITIONAL FULL-TIME EQUIVALENT POSITIONS; APPROPRIATING ADDITIONAL MONEYS TO THE OFFICE OF THE ATTORNEY GENERAL FOR FISCAL YEAR 2024; AND DECLARING AN EMERGENCY AND PROVIDING EFFECTIVE DATES.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the Office of the Attorney General the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2024, through June 30, 2025:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. STATE LEGAL SERVICES:				
FROM:				
General				
Fund	\$803,300	\$134,000	\$6,300	\$943,600
Miscellaneous Revenue				
Fund	4,300			4,300
Consumer Protection				
Fund	4,500			4,500
Idaho Millennium Income				
Fund	4,100			4,100
Federal Grant				
Fund	<u>16,000</u>	<u>0</u>	<u>0</u>	<u>16,000</u>
TOTAL	\$832,200	\$134,000	\$6,300	\$972,500
II. INTERNET CRIMES AGAINST CHILDREN:				
FROM:				
General				
Fund	\$28,500			\$28,500
Federal Grant				
Fund	<u>2,600</u>			<u>2,600</u>
TOTAL	\$31,100			\$31,100
GRAND TOTAL	\$863,300	\$134,000	\$6,300	\$1,003,600

SECTION 2. FTP AUTHORIZATION. In addition to any other authorization provided by law, the full-time equivalent position authorization provided to the Office of the Attorney General is hereby increased by one and four-tenths (1.40) for the period July 1, 2024, through June 30, 2025.

SECTION 3. In addition to the appropriation made in Section 1, Chapter 255, Laws of 2023, and any other appropriation provided for by law, there is hereby appropriated to the Office of the Attorney General for the Special Litigation Program \$435,000 from the General Fund to be expended for the period July 1, 2023, through June 30, 2024, for trial costs related to the *Tucker v. Public Defense Commission* lawsuit.

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, Section 3 of this act shall be in full force and effect on and after passage and approval, and Sections 1 and 2 of this act shall be in full force and effect on and after July 1, 2024.

Approved April 8, 2024

CHAPTER 312
(H.B. No. 752)

AN ACT

RELATING TO THE APPROPRIATION TO THE OFFICE OF THE ATTORNEY GENERAL; APPROPRIATING ADDITIONAL MONEYS TO THE OFFICE OF THE ATTORNEY GENERAL FOR FISCAL YEAR 2025; AUTHORIZING ADDITIONAL FULL-TIME EQUIVALENT POSITIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the Office of the Attorney General the following amounts for the State Legal Services Program to be expended according to the designated expense classes from the General Fund for the period July 1, 2024, through June 30, 2025, for the purpose of additional staff specializing in human trafficking:

FOR:

Personnel Costs	\$160,400
Operating Expenditures	30,100
Capital Outlay	<u>49,000</u>
TOTAL	\$239,500

SECTION 2. FTP AUTHORIZATION. In addition to any other authorization provided in law, the full-time equivalent position authorization provided to the Office of the Attorney General is hereby increased by one (1.00) for the period July 1, 2024, through June 30, 2025.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved April 8, 2024

CHAPTER 313
(S.B. No. 1437)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISIONS OF SUBSTANCE ABUSE TREATMENT AND PREVENTION, MENTAL HEALTH SERVICES, AND PSYCHIATRIC HOSPITALIZATION FOR FISCAL YEAR 2025; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISIONS OF MENTAL HEALTH SERVICES AND PSYCHIATRIC HOSPITALIZATION FOR FISCAL YEAR 2025; REQUIRING A REPORT ON SUBSTANCE ABUSE PREVENTION ACTIVITIES; DIRECTING THE USE OF THE STATE OPIOID RESPONSE GRANT; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISIONS OF MENTAL HEALTH SERVICES AND PSYCHIATRIC HOSPITALIZATION FOR FISCAL YEAR 2024; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISIONS OF MENTAL HEALTH SERVICES AND PSYCHIATRIC HOSPITALIZATION FOR FISCAL YEAR 2024; AND DECLARING AN EMERGENCY AND PROVIDING EFFECTIVE DATES.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the Department of Health and Welfare the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2024, through June 30, 2025:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. SUBSTANCE ABUSE TREATMENT & PREVENTION:				
FROM:				
State-Directed Opioid Settlement				
Fund		\$1,200,000		\$1,200,000
Cooperative Welfare (Federal)				
Fund	\$22,300	0		22,300
TOTAL	\$22,300	\$1,200,000		\$1,222,300
II. MENTAL HEALTH SERVICES:				
A. CHILDREN'S MENTAL HEALTH:				
FROM:				
Cooperative Welfare (General)				
Fund	\$96,000	\$1,500,000		\$1,596,000
Cooperative Welfare (Federal)				
Fund	66,000	0		66,000
TOTAL	\$162,000	\$1,500,000		\$1,662,000
B. ADULT MENTAL HEALTH:				
FROM:				
Cooperative Welfare (General)				
Fund	\$292,800	\$2,000,000		\$2,292,800
Cooperative Welfare (Federal)				
Fund	54,000	0		54,000
TOTAL	\$346,800	\$2,000,000		\$2,346,800
DIVISION TOTAL	\$508,800	\$3,500,000		\$4,008,800
III. PSYCHIATRIC HOSPITALIZATION:				
A. STATE HOSPITAL NORTH:				
FROM:				
Cooperative Welfare (General)				
Fund	\$186,400			\$186,400
Cooperative Welfare (Dedicated)				
Fund	3,000,300			3,000,300
State Hospital North Endowment Income				
Fund	6,800	\$8,200		15,000

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
Cooperative Welfare (Federal)				
Fund	<u>8,300</u>	<u>0</u>		<u>8,300</u>
TOTAL	\$3,201,800	\$8,200		\$3,210,000
B. STATE HOSPITAL SOUTH:				
FROM:				
Cooperative Welfare (General)				
Fund	\$898,200	\$31,900		\$930,100
Cooperative Welfare (Dedicated)				
Fund	109,600			109,600
Mental Hospital Endowment Income				
Fund	80,100		\$215,000	295,100
Cooperative Welfare (Federal)				
Fund	<u>42,200</u>	<u>0</u>	<u>0</u>	<u>42,200</u>
TOTAL	\$1,130,100	\$31,900	\$215,000	\$1,377,000
C. STATE HOSPITAL WEST:				
FROM:				
Cooperative Welfare (General)				
Fund	\$58,600			\$58,600
Cooperative Welfare (Dedicated)				
Fund	2,503,300			2,503,300
Cooperative Welfare (Federal)				
Fund	<u>21,800</u>			<u>21,800</u>
TOTAL	\$2,583,700			\$2,583,700
DIVISION TOTAL	\$6,915,600	\$40,100	\$215,000	\$7,170,700
GRAND TOTAL	\$7,446,700	\$4,740,100	\$215,000	\$12,401,800

SECTION 2. Notwithstanding any other provision of law to the contrary, the appropriation made to the Department of Health and Welfare is hereby reduced by the following amounts for the designated programs and expense classes from the listed funds for the period July 1, 2024, through June 30, 2025:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
I. MENTAL HEALTH SERVICES:			
A. CHILDREN'S MENTAL HEALTH:			
FROM:			
Cooperative Welfare (General)			
Fund	\$1,500,000		\$1,500,000

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
B. ADULT MENTAL HEALTH:			
FROM:			
Cooperative Welfare (General)			
Fund	\$2,000,000		\$2,000,000
DIVISION TOTAL	\$3,500,000		\$3,500,000

II. PSYCHIATRIC HOSPITALIZATION:

A. STATE HOSPITAL SOUTH:

FROM:			
Cooperative Welfare (Federal)			
Fund	\$205,900	\$31,900	\$237,800
GRAND TOTAL	\$3,705,900	\$31,900	\$3,737,800

SECTION 3. REPORT ON FUNDS FOR SUBSTANCE ABUSE PREVENTION. The Department of Health and Welfare's Division of Substance Abuse Treatment and Prevention shall provide a report on any funds appropriated in Section 1 of this act used for substance abuse prevention. This report shall include the total dollar amount spent on substance abuse prevention versus treatment and should highlight activities undertaken by the Department of Health and Welfare for substance abuse prevention. The report shall be submitted to the Legislative Services Office Budget and Policy Analysis Division no later than January 22, 2025.

SECTION 4. DIRECTING THE USE OF THE STATE OPIOID RESPONSE GRANT. Of the funds appropriated in Section 1 of this act for the State Opioid Response Grant, funds available for naloxone shall be available only to first responders for distribution in the State of Idaho.

SECTION 5. In addition to the appropriation made in Section 1, Chapter 296, Laws of 2023, and any other appropriation provided by law, there is hereby appropriated to the Department of Health and Welfare the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2023, through June 30, 2024:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
I. MENTAL HEALTH SERVICES:			
A. CHILDREN'S MENTAL HEALTH:			
FROM:			
Cooperative Welfare (General)			
Fund		\$1,500,000	\$1,500,000
Cooperative Welfare (Federal)			
Fund		<u>1,640,000</u>	<u>1,640,000</u>
TOTAL		\$3,140,000	\$3,140,000

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
B. ADULT MENTAL HEALTH:			
FROM:			
Cooperative Welfare (General)			
Fund		\$2,000,000	\$2,000,000
DIVISION TOTAL		\$5,140,000	\$5,140,000
 II. PSYCHIATRIC HOSPITALIZATION:			
A. STATE HOSPITAL NORTH:			
FROM:			
Cooperative Welfare (General)			
Fund	\$1,700,000		\$1,700,000
 B. STATE HOSPITAL SOUTH:			
FROM:			
Cooperative Welfare (General)			
Fund	\$7,500,000		\$7,500,000
 C. STATE HOSPITAL WEST:			
FROM:			
Cooperative Welfare (General)			
Fund	\$1,300,000		\$1,300,000
DIVISION TOTAL	\$10,500,000		\$10,500,000
GRAND TOTAL	\$10,500,000	\$5,140,000	\$15,640,000

SECTION 6. Notwithstanding any other provision of law to the contrary, the appropriation made to the Department of Health and Welfare in Section 1, Chapter 296, Laws of 2023, is hereby reduced by the following amounts, according to the designated programs and expense classes from the listed funds for the period July 1, 2023, through June 30, 2024:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
I. MENTAL HEALTH SERVICES:			
A. CHILDREN'S MENTAL HEALTH:			
FROM:			
Cooperative Welfare (General)			
Fund	\$1,500,000		\$1,500,000

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
B. ADULT MENTAL HEALTH:			
FROM:			
Cooperative Welfare (General)			
Fund	\$2,000,000		\$2,000,000
Cooperative Welfare (Federal)			
Fund	<u>0</u>	<u>\$1,640,000</u>	<u>1,640,000</u>
TOTAL	\$2,000,000	\$1,640,000	\$3,640,000
DIVISION TOTAL	\$3,500,000	\$1,640,000	\$5,140,000
II. PSYCHIATRIC HOSPITALIZATION:			
A. STATE HOSPITAL NORTH:			
FROM:			
Cooperative Welfare (Federal)			
Fund	\$1,700,000		\$1,700,000
B. STATE HOSPITAL SOUTH:			
FROM:			
Cooperative Welfare (Dedicated)			
Fund	4,000,000		4,000,000
Cooperative Welfare (Federal)			
Fund	<u>3,500,000</u>		<u>3,500,000</u>
TOTAL	\$7,500,000		\$7,500,000
C. STATE HOSPITAL WEST:			
FROM:			
Cooperative Welfare (Federal)			
Fund	\$1,300,000		\$1,300,000
DIVISION TOTAL	\$10,500,000		\$10,500,000
GRAND TOTAL	\$14,000,000	\$1,640,000	\$15,640,000

SECTION 7. An emergency existing therefor, which emergency is hereby declared to exist, Sections 5 and 6 of this act shall be in full force and effect on and after passage and approval, and Sections 1 through 4 of this act shall be in full force and effect on and after July 1, 2024.

Approved April 8, 2024

CHAPTER 314
(H.B. No. 538)

AN ACT

RELATING TO CIVIL RIGHTS; PROVIDING LEGISLATIVE INTENT AND LEGISLATIVE FINDINGS; AMENDING CHAPTER 59, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5909B, IDAHO CODE, TO PROHIBIT COMPULSORY GENDER LANGUAGE, TO PROVIDE A CIVIL CAUSE OF ACTION FOR VIOLATIONS, AND TO AUTHORIZE RULEMAKING AUTHORITY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. LEGISLATIVE INTENT AND LEGISLATIVE FINDINGS. (1) It is the intent of the Legislature to preserve the constitutional right to free speech of all people in the State of Idaho, especially as this right intersects with the operations of governmental entities of the state of Idaho.

(2) It is further the intent of the Legislature to ensure that no person in the State of Idaho is compelled by any governmental entity in the State of Idaho to communicate statements that such citizen believes to be false. The United States Supreme Court has long held that no government actor may seek "to compel a person to speak its message when he would prefer to remain silent or to force an individual to include other ideas with his own speech that he would prefer not to include." 303 *Creative LLC v. Elenis*, 600 U.S. 570, 586 (2023). No person should be subjected to any coercion by any governmental entity in the State of Idaho to communicate in any way statements that such person prefers not to communicate. To permit a governmental entity of the State of Idaho to compel speech in such a way would deprive persons within this state of their fundamental right to be free from coerced speech.

(3) The Legislature finds that despite the United States Supreme Court's clear holding that compelled speech offends the constitution, government actors across the State of Idaho and the United States as a whole are not vigilantly protecting the people against such compelled speech. There are increasing pressures by state government actors to compel public employees, as well as students in public schools, to communicate certain preferred personal titles and pronouns that many such employees and students do not prefer to communicate. Specifically, to compel the use of preferred personal titles and pronouns that do not correspond with the biological sex of the individual seeking to be referred to by such preferred personal titles or pronouns.

(4) To protect the people of Idaho against unlawful compelled speech, the Legislature finds it expedient to codify into Idaho law a prohibition on any governmental entity in the State of Idaho from compelling any public employee or public school student to communicate preferred personal titles and pronouns that do not correspond with the biological sex of the individual seeking to be referred to by such titles or pronouns. Such prohibition is essential to ensure that the constitutional right to free speech of every person in the State of Idaho is respected.

SECTION 2. That Chapter 59, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-5909B, Idaho Code, and to read as follows:

67-5909B. COMPULSORY GENDER LANGUAGE PROHIBITED -- PRIVATE CAUSE OF ACTION -- RULEMAKING. (1) As used in this section:

(a) "Government employee" means a person employed by the state of Idaho, or by any county, municipality, public university or community

college, school district, special district, or any other political subdivision or governmental instrumentality of or within the state.

(b) "Public school" means any publicly funded school teaching kindergarten through grade 12 students that is operated and controlled by any public school district organized under the laws of this state, including specially chartered school districts.

(c) "Sex" means the classification of a person as either female or male based on the organization of the body of such person for a specific reproductive role, as indicated by the person's sex chromosomes, naturally occurring sex hormones, and internal and external genitalia present at birth.

(d) "Student" means an individual who is enrolled on a full-time or part-time basis at a public school or public institution of higher education.

(2) A government employee, regardless of the scope of such employee's official duties, shall not be subject to adverse employment action for declining to:

(a) Identify such employee's pronouns while acting within the scope of employment; or

(b) Address a person using a name other than the person's legal name or a derivative thereof, or by a preferred personal title or pronoun that is inconsistent with the person's sex.

(3) An employee of a public school or public institution of higher education, regardless of the scope of such employee's official duties, shall not:

(a) Knowingly and intentionally address an unemancipated minor student by a name other than the student's legal name or a derivative thereof, or by a preferred personal title or pronoun that is inconsistent with the student's sex, without the written permission of the student's parent or guardian; and

(b) Be subject to adverse employment action for declining to address a student using a name other than the student's legal name, or a derivative thereof, or by a preferred personal title or pronoun that is inconsistent with a student's sex.

(4) A student of a public school or public institution of higher education shall not be subject to adverse disciplinary action by the school or institution for declining to:

(a) Identify such student's pronouns; or

(b) Address a person using a name other than the person's legal name, or a derivative thereof, or by a preferred personal title or pronoun that is inconsistent with the person's sex.

(5) Any person who is harmed by a government employer, public school, or public institution for higher education for violating the provisions of this section shall have a private cause of action for injunctive relief, monetary damages, reasonable attorney's fees and costs, and any other appropriate relief. All civil actions brought pursuant to this section must be initiated within two (2) years from the date that the violation occurs.

(6) The Idaho commission on human rights may adopt rules to administer the provisions of this section.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

CHAPTER 315
(H.B. No. 750)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISION OF MEDICAID; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISION OF MEDICAID FOR FISCAL YEAR 2025; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISION OF MEDICAID FOR FISCAL YEAR 2025; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the Department of Health and Welfare for the Division of Medicaid for the Expansion Medicaid Plan the following amounts to be expended for trustee and benefit payments from the listed funds for the period July 1, 2024, through June 30, 2025:

Cooperative Welfare (General) Fund	\$5,500,000
Cooperative Welfare (Federal) Fund	<u>49,500,000</u>
TOTAL	\$55,000,000

SECTION 2. Notwithstanding any other provision of law to the contrary, the appropriation made to the Department of Health and Welfare for the Division of Medicaid for the Basic Medicaid Plan is hereby reduced by the following amounts for trustee and benefit payments from the listed funds for the period July 1, 2024, through June 30, 2025:

Cooperative Welfare (General) Fund	\$5,500,000
Cooperative Welfare (Federal) Fund	<u>49,500,000</u>
TOTAL	\$55,000,000

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved April 8, 2024

CHAPTER 316
(S.B. No. 1453)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE; APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISIONS OF INDIRECT SUPPORT SERVICES, LICENSING AND CERTIFICATION, AND INDEPENDENT COUNCILS FOR FISCAL YEAR 2025; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING FOR DEPARTMENT OVERSIGHT POSITIONS; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISION OF INDIRECT SUPPORT SERVICES FOR FISCAL YEAR 2024; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISION OF LICENSING AND CERTIFICATION FOR FISCAL YEAR 2024; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISION OF INDIRECT SUPPORT SERVICES FOR FISCAL YEAR 2024; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISION OF LICENSING AND CERTIFICATION FOR FISCAL YEAR 2024; AND DECLARING AN EMERGENCY AND PROVIDING EFFECTIVE DATES.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the Department of Health and Welfare the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2024, through June 30, 2025:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. INDIRECT SUPPORT SERVICES:				
FROM:				
Cooperative Welfare (General)				
Fund	\$12,071,600	\$10,017,800	\$1,668,400	\$23,757,800
Medicaid Management Information Systems Dedicated				
Fund	78,000			78,000
Cooperative Welfare (Dedicated)				
Fund	1,950,300	1,502,100		3,452,400
Cooperative Welfare (Federal)				
Fund	<u>16,504,600</u>	<u>10,976,900</u>	<u>1,704,000</u>	<u>29,185,500</u>
TOTAL	\$30,604,500	\$22,496,800	\$3,372,400	\$56,473,700
II. LICENSING AND CERTIFICATION:				
FROM:				
Cooperative Welfare (General)				
Fund	\$16,900			\$16,900
Cooperative Welfare (Federal)				
Fund	<u>105,000</u>			<u>105,000</u>
TOTAL	\$121,900			\$121,900

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
III. INDEPENDENT COUNCILS:				
A. DEVELOPMENTAL DISABILITIES COUNCIL:				
FROM:				
Cooperative Welfare (General)				
Fund	\$3,000			\$3,000
Cooperative Welfare (Federal)				
Fund	<u>7,600</u>			<u>7,600</u>
TOTAL	\$10,600			\$10,600
B. DOMESTIC VIOLENCE COUNCIL:				
FROM:				
Cooperative Welfare (General)				
Fund	\$3,800			\$3,800
Domestic Violence Project				
Fund	800			800
Cooperative Welfare (Federal)				
Fund	<u>3,300</u>			<u>3,300</u>
TOTAL	\$7,900			\$7,900
DIVISION TOTAL	\$18,500			\$18,500
GRAND TOTAL	\$30,744,900	\$22,496,800	\$3,372,400	\$56,614,100

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Indirect Support Services Division of the Department of Health and Welfare is authorized no more than two hundred sixty-two and six-tenths (262.60) full-time equivalent positions at any point during the period July 1, 2024, through June 30, 2025, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. DEPARTMENT OVERSIGHT POSITIONS. Notwithstanding any transfer limits, the department may transfer up to 3.00 FTP and up to \$397,000 in personnel costs into the Division of Indirect Services from any other Department of Health and Welfare budget to augment department oversight, compliance, and other functions to advance legislative intent and direction as determined necessary by the director.

SECTION 4. In addition to the appropriation made in Section 1, Chapter 206, Laws of 2023, and any other appropriation provided for by law, there is hereby appropriated to the Department of Health and Welfare for the Indirect Support Services Division the following amounts to be expended from the listed funds for operating expenditures for the period July 1, 2023, through June 30, 2024:

FROM:

Cooperative Welfare (General) Fund	\$1,165,700
Cooperative Welfare (Federal) Fund	<u>835,900</u>
TOTAL	\$2,001,600

SECTION 5. In addition to the appropriation made in Section 1, Chapter 206, Laws of 2023, and any other appropriation provided for by law, there is hereby appropriated to the Department of Health and Welfare for the Licensing and Certification Division the following amounts to be expended from the listed funds for operating expenditures for the period July 1, 2023, through June 30, 2024:

FROM:

Cooperative Welfare (General) Fund	\$50,000
Cooperative Welfare (Federal) Fund	<u>350,000</u>
TOTAL	\$400,000

SECTION 6. Notwithstanding any other provision of law to the contrary, the appropriation made to the Department of Health and Welfare for the Indirect Support Services Division in Section 1, Chapter 206, Laws of 2023, is hereby reduced from the listed funds for personnel costs for the period July 1, 2023, through June 30, 2024.

FROM:

Cooperative Welfare (General) Fund	\$1,027,600
Cooperative Welfare (Federal) Fund	<u>677,600</u>
TOTAL	\$1,705,200

SECTION 7. Notwithstanding any other provision of law to the contrary, the appropriation made to the Department of Health and Welfare for the Licensing and Certification Division in Section 1, Chapter 206, Laws of 2023, is hereby reduced from the listed funds for personnel costs for the period July 1, 2023, through June 30, 2024.

FROM:

Cooperative Welfare (General) Fund	\$50,000
Cooperative Welfare (Federal) Fund	<u>350,000</u>
TOTAL	\$400,000

SECTION 8. An emergency existing therefor, which emergency is hereby declared to exist, Sections 4 through 7 of this act shall be in full force and effect on and after passage and approval, and Sections 1 through 3 of this act shall be in full force and effect on and after July 1, 2024.

Approved April 8, 2024

CHAPTER 317
(H.B. No. 599)

AN ACT

RELATING TO BALLOTS; AMENDING SECTION 18-2316, IDAHO CODE, TO REVISE PROVISIONS REGARDING TAMPERING WITH CERTIFICATES OF NOMINATION AND BALLOTS; AMENDING CHAPTER 23, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-2324, IDAHO CODE, TO ESTABLISH PROVISIONS PROHIBITING BALLOT HARVESTING, TO PROVIDE CERTAIN EXCEPTIONS, AND TO PROVIDE A PENALTY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 18-2316, Idaho Code, be, and the same is hereby amended to read as follows:

18-2316. TAMPERING WITH CERTIFICATES OF NOMINATION OR BALLOTS. (1) No person shall falsely make, ~~or~~ make oath to, ~~or~~ fraudulently deface, or fraudulently destroy, any certificate of nomination, or any part thereof, or file, or receive for filing, any certificate of nomination, or letter of withdrawal, knowing the same or any part thereof to be falsely made, or suppress any certificate of nomination which that has been duly filed, or any part thereof, ~~or wilfully.~~

(2) No person shall willfully delay the delivery of any ballots, or forge or falsely make the official ~~indorsement~~ endorsement on the ballot, or wilfully destroy any ballot willfully destroy, tamper with, or change in any way any ballot that does not belong to such person.

(3) Every person violating any of the provisions of this section shall be deemed guilty of a felony, and, upon conviction thereof in any court of competent jurisdiction, shall be punished by imprisonment in the penitentiary for a period of not less than one (1) year nor more than five (5) years.

SECTION 2. That Chapter 23, Title 18, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 18-2324, Idaho Code, and to read as follows:

18-2324. BALLOT HARVESTING PROHIBITED -- EXCEPTIONS -- PENALTY. (1) Except as provided in subsections (2) and (3) of this section, no person shall knowingly collect or convey another voter's voted or unvoted ballot.

(2) This section shall not apply to:

(a) A person who collects or conveys another voter's voted or unvoted ballot in the course of such person's regular duties as an elections official;

(b) A person who collects or conveys another voter's voted or unvoted ballot in the course of such person's regular duties as a United States postal service worker or other person specifically authorized by law to transmit United States mail;

(c) A person who collects or conveys another voter's voted or unvoted ballot in the course of such person's regular duties as an employee or contractor of a common carrier;

(d) A person who receives compensation from the voter in exchange for collecting or conveying the voter's voted or unvoted ballot;

(e) A person who is related to the voter, whether by adoption, marriage, or blood, within the fifth degree of consanguinity;

(f) A person who is a member of the voter's household; or

(g) A person who is a caregiver of the voter, unless the voter is under care for memory or cognitive impairment.

(3) A person who is a candidate for elective office on the ballot or who is employed by or volunteers for a political party, candidate for elective office on the ballot, or organization that supports or opposes any ballot measure or candidate for elective office on the ballot may not collect or convey voted or unvoted ballots pursuant to subsection (2) (e), (f), or (g) of this section. An individual authorized to collect and convey a voter's ballot pursuant to subsection (2) (e), (f), or (g) of this section may not collect or convey more than six (6) total voted ballots and six (6) total unvoted ballots in any election.

(4) Any person who lawfully collects or conveys another voter's voted or unvoted ballot as authorized in subsection (2) of this section shall not attempt to influence the voter in any way.

(5) A violation of the provisions of this section constitutes a felony if the person was paid by anyone other than the voter to collect and convey the voter's ballot or if the cumulative number of ballots collected or conveyed in violation of the provisions of this section is ten (10) or more in any election. Any other violation of the provisions of this section constitutes a misdemeanor.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved April 8, 2024

CHAPTER 318

(H.B. No. 670, As Amended in the Senate)

AN ACT

RELATING TO HEALTH; PROVIDING LEGISLATIVE INTENT; AMENDING CHAPTER 3, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-350, IDAHO CODE, TO ESTABLISH THE END ORGAN HARVESTING ACT; AMENDING SECTION 39-8302, IDAHO CODE, TO DEFINE TERMS; AMENDING CHAPTER 83, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-8305, IDAHO CODE, TO ESTABLISH PROVISIONS PROHIBITING CERTAIN GENETIC SEQUENCERS AND GENETIC ANALYSIS TECHNOLOGIES AND PROVIDING EXCEPTIONS; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. LEGISLATIVE INTENT. It is the intent of the Legislature to combat the practice of forcibly harvesting organs from living persons for transplant without free, voluntary consent, to bring awareness to China's state-sanctioned practice of forced organ harvesting of prisoners of conscience and other vulnerable persons, to prevent Idaho residents from unknowingly involving themselves in forced organ harvesting, and to protect the genomic data of Idaho residents from companies from adversary countries.

SECTION 2. That Chapter 3, Title 41, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 41-350, Idaho Code, and to read as follows:

41-350 END ORGAN HARVESTING ACT. (1) This section shall apply only to a health benefit plan that provides benefits for medical or surgical expenses incurred as a result of a health condition, accident, or sickness, including an individual, group, blanket, or franchise insurance policy or insurance agreement, a group hospital service contract, or an individual group evidence of coverage or similar coverage document that is offered by:

- (a) An insurance company;
 - (b) A group hospital service corporation operating pursuant to chapter 34, title 41, Idaho Code;
 - (c) A managed care organization operating pursuant to chapter 39, title 41, Idaho Code;
 - (d) A multiple employer welfare arrangement that holds a certificate of registration pursuant to section 41-4002(8), Idaho Code;
 - (e) A fraternal benefit society operating pursuant to chapter 32, title 41, Idaho Code; or
 - (f) An exchange operating pursuant to chapter 61, title 41, Idaho Code.
- (2) Notwithstanding any other law to the contrary, this chapter applies

to:

- (a) A small employer health benefit plan subject to chapter 47, title 41, Idaho Code;
- (b) A standard health benefit plan issued pursuant to chapter 52, title 41, Idaho Code;
- (c) The state medicaid program pursuant to section 56-263, Idaho Code;
- (d) The children's health insurance program pursuant to sections 56-238 and 56-239, Idaho Code; and
- (e) Health and accident coverage provided by a risk retention group pursuant to chapter 48, title 41, Idaho Code.

(3) A health benefit plan issuer shall not cover a human organ transplant or post-transplant care if:

- (a) The transplant operation is performed in the People's Republic of China or another country known to have participated in forced organ harvesting, as designated by the administrator of the division of public health in the department of health and welfare; or
- (b) The human organ to be transplanted was procured by sale or donation originating in the People's Republic of China or another country known to have participated in forced organ harvesting, as designated by the administrator of the division of public health in the department of health and welfare.

(4) The administrator of the division of public health in the department of health and welfare may designate additional countries with governments that fund, sponsor, or otherwise facilitate forced organ harvesting and shall provide written notice to the director of the department of health and welfare when the administrator of the division of public health designates an additional country.

(5) For the purposes of this section, "forced organ harvesting" means the removal of one (1) or more organs from a living person, or from a person killed for the purpose of removal of one (1) or more organs, by means of coercion, abduction, deception, fraud, or abuse of power over a position of vulnerability.

SECTION 3. That Section 39-8302, Idaho Code, be, and the same is hereby amended to read as follows:

39-8302. DEFINITIONS. As used in this chapter:

(1) "Blood relative" means a person's biologically related parent, grandparent, child, grandchild, sibling, uncle, aunt, nephew, niece or first cousin.

(2) "DNA" means deoxyribonucleic acid, ribonucleic acid and chromosomes which may be analyzed to detect heritable diseases or conditions, including the identification of carriers, predicting risk of disease, or establishing a clinical diagnosis.

(3) "DNA sample" means any human biological specimen from which DNA can be extracted, or DNA extracted from such specimen.

(4) "Employer" means any person, partnership, limited liability company, association, corporation, labor organization, employment agency or nonprofit entity that employs five (5) or more persons including relatives, and including the legislative, executive and judicial branches of state government; any county, city, or any other political subdivision of the state; or any other separate unit of state or local government.

(5) "Foreign adversary" means the People's Republic of China, the Russian Federation, the Islamic Republic of Iran, the Democratic People's Republic of Korea, the Republic of Cuba, the Venezuelan regime of Nicolás Maduro, or the Syrian Arab Republic, including any agent of or any other entity under significant control of such foreign adversary, or any other entity deemed by the governor in consultation with the adjutant general.

~~(5)~~ (6) "Genetic analysis" or "genetic test" means the testing or analysis of an identifiable individual's DNA that results in information that is derived from the presence, absence, alteration or mutation of an inherited gene or genes, or the presence or absence of a specific DNA marker or markers. "Genetic analysis" or "genetic test" does not mean:

- (a) A routine physical examination;
- (b) A routine chemical, blood or urine analysis;
- (c) A test to identify the presence of drugs or HIV infection; or
- (d) A test performed due to the presence of signs, symptoms or other manifestations of a disease, illness, impairment or other disorder.

(7) "Genetic sequencer" means any device or platform used to conduct genetic analysis, resequencing, isolation, or other genetic research.

(8) "Human genome" means DNA or ribonucleic acid (RNA) found in human cells.

~~(6)~~ (9) "Individual" means the person from whose body the DNA sample originated.

(10) "Medical facility" means a facility for the delivery of health services that:

- (a) Receives state moneys, including interagency pass-through appropriations from the federal government; and
- (b) Conducts research or testing on, with, or relating to genetic analysis or the human genome.

(11) "Operational or research software" means computer programs used for the operation, control, analysis, or other necessary functions of genetic analysis or genetic sequencers.

~~(7)~~ (12) "Person" means any person, organization or entity other than the individual.

~~(8)~~ (13) "Private genetic information" means any information about an identifiable individual that is derived from the presence, absence, alteration or mutation of an inherited gene or genes, or the presence or absence of a specific DNA marker or markers, and which has been obtained from a genetic test or analysis of the individual's DNA or from a genetic test or analysis of a person's DNA of whom the individual is a blood relative. "Private genetic information" does not include information that is derived from:

- (a) A routine physical examination;
- (b) A routine chemical, blood or urine analysis;
- (c) A test to identify the presence of drugs or HIV infection; or
- (d) A test performed due to the presence of signs, symptoms or other manifestations of a disease, illness, impairment or other disorder.

(14) "Research facility" means a facility that:

- (a) Receives state moneys, including interagency pass-through appropriations from the federal government; and
- (b) Conducts research on, with, or relating to genetic analysis or the human genome.

SECTION 4. That Chapter 83, Title 39, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 39-8305, Idaho Code, and to read as follows:

39-8305. PROHIBITION ON CERTAIN GENETIC SEQUENCERS AND GENETIC ANALYSIS TECHNOLOGIES. (1) No medical facility or research facility in the state of Idaho shall utilize genetic sequencers or operational or research software used for genetic analysis if the final product is produced in or by a foreign adversary, a state-owned enterprise of a foreign adversary, a company domiciled within a foreign adversary, or a company-owned or company-controlled subsidiary or affiliate of a company domiciled within a foreign adversary for the purpose of conducting genetic analysis. Nothing in this section shall apply to final products that have been merely assembled within a foreign adversary or which subcomponent parts or inputs have been sourced from foreign adversaries but that are not produced by foreign adversary companies. Nothing in this section shall apply to companies domiciled within a foreign adversary but who are owned by or whom a controlling financial interest is held by a United States business or a business owned by a United States alliance country.

(2) All genetic sequencers and operational and research software used for genetic sequencers or genetic analysis devices prohibited under subsection (1) of this section that is not permanently disabled shall be removed and replaced with genetic sequencers and operational and research software used for genetic sequencers or genetic analysis that is not prohibited under subsection (1) of this section.

(3) Subject to appropriation, a medical facility or research facility in the state of Idaho may request a reimbursement up to the cost of replacement of the equipment and software prohibited under subsection (1) of this section from the state controller, provided the request includes purchase orders and is submitted by October 1, 2024.

SECTION 5. SEVERABILITY. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this act.

SECTION 6. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved April 8, 2024

CHAPTER 319
(S.B. No. 1455)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE PUBLIC HEALTH SERVICES DIVISION FOR FISCAL YEAR 2025; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE PUBLIC HEALTH SERVICES DIVISION FOR FISCAL YEAR 2025; REDUCING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; REQUIRING NOTIFICATION TO THE LEGISLATURE OF CERTAIN FEDERAL GRANTS; ALLOCATING FUNDING FOR SMOKING CESSATION; DIRECTING USE OF THE STATE OPIOID RESPONSE GRANT; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE PUBLIC HEALTH SERVICES DIVISION FOR FISCAL YEAR 2024; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE PUBLIC HEALTH SERVICES DIVISION FOR FISCAL YEAR 2024; AND DECLARING AN EMERGENCY AND PROVIDING EFFECTIVE DATES.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the Department of Health and Welfare for the Public Health Services Division the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2024, through June 30, 2025:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. PHYSICAL HEALTH SERVICES:				
FROM:				
Cooperative Welfare (General)				
Fund	\$32,100		\$500,000	\$532,100
Cancer Control				
Fund	400			400
Cooperative Welfare (Dedicated)				
Fund	45,900	\$250,000	1,250,000	1,545,900
Cooperative Welfare (Federal)				
Fund	<u>2,821,800</u>	<u>8,994,600</u>	<u>12,213,300</u>	<u>24,029,700</u>
TOTAL	\$2,900,200	\$9,244,600	\$13,963,300	\$26,108,100
 II. EMERGENCY MEDICAL SERVICES:				
FROM:				
Emergency Medical Services				
Fund	\$29,400			\$29,400
TSE Registry				
Fund	1,500			1,500
Cooperative Welfare (Dedicated)				
Fund	16,600			16,600

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Cooperative Welfare (Federal)				
Fund	<u>16,300</u>			<u>16,300</u>
TOTAL	\$63,800			\$63,800
III. LABORATORY SERVICES:				
FROM:				
Cooperative Welfare (General)				
Fund	\$39,800	\$361,900		\$401,700
Cooperative Welfare (Dedicated)				
Fund	1,600			1,600
Cooperative Welfare (Federal)				
Fund	<u>51,900</u>	<u>110,000</u>		<u>161,900</u>
TOTAL	\$93,300	\$471,900		\$565,200
IV. SUICIDE PREVENTION AND AWARENESS:				
FROM:				
Cooperative Welfare (General)				
Fund	\$5,200			\$5,200
V. HEALTH CARE POLICY INITIATIVES:				
FROM:				
Cooperative Welfare (General)				
Fund	\$1,000			\$1,000
Cooperative Welfare (Dedicated)				
Fund	1,200			1,200
Cooperative Welfare (Federal)				
Fund	<u>1,600</u>			<u>1,600</u>
TOTAL	\$3,800			\$3,800
GRAND TOTAL	\$3,066,300	\$9,716,500	\$13,963,300	\$26,746,100

SECTION 2. Notwithstanding any other provision of law to the contrary, the appropriation made to the Department of Health and Welfare for the Public Health Services Division is hereby reduced by the following amounts for the designated programs and expense classes from the listed funds for the period July 1, 2024, through June 30, 2025:

	FOR PERSONNEL COSTS	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. PHYSICAL HEALTH SERVICES:			
FROM:			
Cooperative Welfare (Federal)			
Fund		\$623,400	\$623,400
II. EMERGENCY MEDICAL SERVICES:			
FROM:			
Cooperative Welfare (General)			
Fund	\$600		\$600
GRAND TOTAL	\$600	\$623,400	\$624,000

SECTION 3. FTP AUTHORIZATION. In addition to any other authorization provided by law, the full-time equivalent position authorization provided to the Department of Health and Welfare for the Public Health Services Division is hereby reduced by two and five-tenths (2.50) for the period July 1, 2024, through June 30, 2025.

SECTION 4. NOTIFICATION OF FEDERAL GRANTS. In addition to the requirements in Section 67-3512 and 67-1917, Idaho Code, the Department of Health and Welfare shall notify the chairmen of the health and welfare committees in both the senate and house of representatives prior to applying or reapplying for any federal grant. Such notification shall include but is not limited to the grant type, the CFDA and DUNSF numbers, the title of the grant, the grant start date, the grant end date, and a brief description of the grant, including the source and long-term impact. This information shall also be sent to the cochairs of the joint finance-appropriations committee.

SECTION 5. SMOKING CESSATION. Notwithstanding any other provision of law to the contrary, \$1,278,900 from the Idaho Millennium Income Fund shall be distributed to the public health districts for the purpose of prevention and cessation programs for tobacco, vape, and other substances as funds allow. The Department of Health and Welfare shall transfer the funds on July 1, 2024, or as soon thereafter as practicable. These moneys shall be distributed to each district based on the approved formula of the board of trustees of the Idaho district boards of health as provided in Section 39-411(6), Idaho Code.

SECTION 6. DIRECTING USE OF THE STATE OPIOID RESPONSE GRANT. Funds available for naloxone shall be available only to first responders for distribution in the State of Idaho.

SECTION 7. In addition to the appropriation made in Section 1, Chapter 209, Laws of 2023, and any other appropriation provided for by law, there is hereby appropriated to the Department of Health and Welfare for the Public Health Services Division the following amounts for the designated programs and expense classes from the listed funds for the period July 1, 2023, through June 30, 2024:

	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. PHYSICAL HEALTH SERVICES:			
FROM:			
Central Tumor Registry			
Fund	\$240,000		\$240,000
Cooperative Welfare (Dedicated)			
Fund	<u>250,000</u>	<u>\$1,250,000</u>	<u>1,500,000</u>
TOTAL	\$490,000	\$1,250,000	\$1,740,000
II. LABORATORY SERVICES:			
FROM:			
Cooperative Welfare (Dedicated)			
Fund	\$115,900		\$115,900
GRAND TOTAL	\$605,900	\$1,250,000	\$1,855,900

SECTION 8. Notwithstanding any other provision of law to the contrary, the appropriation made to the Department of Health and Welfare for the Public Health Services Division in Section 1, Chapter 209, Laws of 2023, is hereby reduced by the following amounts for the designated programs and expense classes from the listed funds for the period July 1, 2023, through June 30, 2024:

	FOR PERSONNEL COSTS	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. PHYSICAL HEALTH SERVICES:			
FROM:			
Central Tumor Registry			
Fund		\$240,000	\$240,000
II. LABORATORY SERVICES:			
FROM:			
Cooperative Welfare (Dedicated)			
Fund	\$115,900		\$115,900
GRAND TOTAL	\$115,900	\$240,000	\$355,900

SECTION 9. An emergency existing therefor, which emergency is hereby declared to exist, Sections 7 and 8 of this act shall be in full force and effect on and after passage and approval, and Sections 1 through 6 of this act shall be in full force and effect on and after July 1, 2024.

Approved April 8, 2024

CHAPTER 320
(H.B. No. 748)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF LANDS; DIRECTING A CASH TRANSFER FROM THE FEDERAL GRANT FUND TO THE GOOD NEIGHBOR AUTHORITY FUND FOR FISCAL YEAR 2025; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF LANDS FOR FISCAL YEAR 2025; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. CASH TRANSFER TO THE GOOD NEIGHBOR AUTHORITY FUND. The Office of the State Controller shall transfer any moneys identified pursuant to Section 38-1704, Idaho Code, for the Good Neighbor Authority program to the Good Neighbor Authority Fund within the Department of Lands on July 1, 2024, or as soon thereafter as practicable, for the period July 1, 2024, through June 30, 2025.

SECTION 2. In addition to any other appropriation provided by law, there is hereby appropriated to the Idaho Department of Lands for the Forest and Range Fire Protection program \$175,000 from the General Fund to be expended for trustee and benefit payments for the period July 1, 2024, through June 30, 2025, for the purpose of Clearwater-Potlatch Timber Protective Association adjustments.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved April 8, 2024

CHAPTER 321

(S.B. No. 1293, As Amended, As Amended in the House)

AN ACT

RELATING TO CITY ANNEXATIONS; REPEALING SECTION 50-222, IDAHO CODE, RELATING TO ANNEXATION BY CITIES; AMENDING CHAPTER 2, TITLE 50, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 50-222, IDAHO CODE, TO PROVIDE LEGISLATIVE INTENT, TO DEFINE TERMS, TO PROVIDE REQUIREMENTS FOR CITIES TO ANNEX LAND, TO PROVIDE FOR A WRITTEN ANNEXATION PLAN, TO PROVIDE EXCEPTIONS, TO PROVIDE FOR AN ANNEXATION ORDINANCE IN CERTAIN CIRCUMSTANCES, TO ESTABLISH PROVISIONS REGARDING THE ANNEXATION OF HIGHWAYS, FAIRGROUNDS, AIRPORTS, RECREATIONAL AREAS, RAILROAD RIGHTS-OF-WAY, AND AGRICULTURAL OR FOREST LAND, TO PROVIDE FOR JUDICIAL REVIEW, AND TO PROVIDE APPLICABILITY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 50-222, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Chapter 2, Title 50, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 50-222, Idaho Code, and to read as follows:

50-222. ANNEXATION BY CITIES. (1) Legislative intent. It is the intent of the legislature to honor the right of private landowners to have a voice in their own governance, to minimize conflict between citizens and municipalities, to provide a mechanism for the orderly development of Idaho cities, including the efficient and economically viable provision of tax-supported and fee-supported municipal services, to enable the orderly development of private lands that benefit from cost-effective availability of municipal services in urbanizing areas, and to equitably allocate the costs of public services in managing development on the urban fringe.

(2) Definitions. For purposes of this section:

(a) "Consent" means a written document executed by the landowner or the landowner's authorized agent explicitly agreeing to annexation. Written consent to annex lands must be recorded in the county recorder's office to be binding upon subsequent purchasers, heirs, or assigns of lands addressed in the consent.

(b) "Contiguous" means sharing a common border. For the purpose of this section, land is not contiguous if the only common border is along a shoestring connection.

(c) "Implied consent" means that valid consent to annex is implied for the area of all lands connected to a water or wastewater collection system owned and operated in its entirety by the city if the connection was requested in writing by the owner or the owner's authorized agent prior to July 1, 2024, or if the connection was completed before July 1, 2008.

(d) "Landowner" means a person owning real property in the area proposed for annexation.

(e) "Planning and zoning commission" means the entity performing planning and zoning duties for the city, which may be the city council itself, a planning commission, a zoning commission, or a planning and zoning commission.

(f) "Subject land" means an area proposed for annexation by a city pursuant to this section.

(3) Requirements. Except as provided in subsection (5) of this section, no city of this state shall annex land unless and until the following requirements are met:

(a) The subject land is contiguous to or surrounded by the city, except as provided in subsections (7), (9), or (11) of this section;

(b) The city notifies each landowner and the board of county commissioners of its intent to annex the subject land. Such notification shall:

(i) Include a summary of the annexation plan;

(ii) Advise landowners of their right to give or withhold consent;

(iii) Include a description of how consent can be made, where it should be filed, and the deadline for such filing, which shall be no later than forty-five (45) days after the date of notification;

(iv) Include information about where the entire record of the proposed annexation may be reviewed; and

(v) Include a legal description of the subject land and a simple map depicting the location of the subject land;

(c) The city publishes notice of its intent to annex the subject land. In providing notice, the city shall comply with the notice and hearing procedures governing a zoning district boundary change as set forth in chapter 65, title 67, Idaho Code, unless otherwise provided in this section, on the question of whether the subject land should be annexed and, if annexed, the zoning designation to be applied to the subject land. The initial notice of public hearing concerning the question of annexation and zoning shall be published in the official newspaper of the city and mailed by first class mail to every landowner of property included in the annexation proposal at least twenty-eight (28) days prior to the initial public hearing. All public hearing notices shall establish a

time and procedure by which comments concerning the proposed annexation may be received in writing and heard;

(d) The city council adopts a written annexation plan;

(e) Subsequent to publishing notice of intent and a written annexation plan, the city council and the planning and zoning commission each holds a public hearing on the proposed annexation, pursuant to section 67-6525, Idaho Code, at which landowners and city residents are afforded an opportunity to testify for or against annexation. Provided, however, if a city performs its own planning and zoning functions without a commission, the two (2) public hearings required by this paragraph may be combined into one (1) public hearing, but in such case, the notice to landowners required by paragraph (c) of this subsection must be mailed at least forty-five (45) days prior to the public hearing; and

(f) Landowners representing sixty percent (60%) of the parcels and at least fifty percent (50%) of the area proposed for annexation give voluntary consent as defined in subsection (2) of this section and record such consent with the county recorder's office for the county in which the property is located.

(4) Written annexation plan. The written annexation plan required by subsection (3) of this section shall describe:

(a) The manner of providing tax-supported municipal services to the subject land;

(b) The changes in taxation and other costs that would result if the subject land were to be annexed;

(c) The means of providing fee-supported municipal services, if any, to the subject land;

(d) An analysis of the potential effects of annexation on other units of local government that currently provide tax-supported or fee-supported services to the subject land;

(e) The proposed future land use plan and zoning designation or designations, subject to public hearing, for the subject land; and

(f) A statement of the public purposes that would benefit from annexation.

(5) Exceptions.

(a) Annexation with consent. In the case of a prospective annexation where all landowners of the subject property have requested annexation or where consent has been given by the landowner or landowners of a contiguous parcel or parcels or where implied consent has been given, the provisions of subsections (3) and (4) of this section shall not apply. In such a case, the subject land may extend beyond the city area of impact if the land is contiguous to the city and the comprehensive plan includes the area of annexation. Lands need not be contiguous to the city limits at the time a landowner consents to annexation for the property to be subject to a valid consent to annex, but no annexation of lands may occur, regardless of consent, until such land becomes contiguous to the city. Upon determining that a proposed annexation meets the requirements of this subsection, a city may initiate the planning and zoning procedures set forth in chapter 65, title 67, Idaho Code, to establish the comprehensive planning policies, where necessary, and zoning classification of the lands to be annexed.

(b) Enclaves. The provisions of subsections (3) and (4) of this section shall not apply to the annexation of any residential enclaved lands of thirty (30) or fewer privately owned parcels that are surrounded on all sides by lands within a city or lands that cannot legally or physically be annexed.

(6) Ordinance. If all requirements provided in subsection (3) or (5) of this section are satisfied and the city agrees to the annexation, then the city council shall enact an annexation ordinance.

(7) Highways. In any annexation proceeding, all portions of highways lying wholly or partly in the subject area shall be included in the area annexed unless there is an express agreement otherwise between the city and the governing board of the highway agency providing road maintenance at the time of annexation. Provided, however, no city council may annex property if the property will be connected to the city only by a shoestring connection or strip of land comprising the highway's right-of-way in order to establish contiguity.

(8) Fairgrounds. Property that is used as a fairground pursuant to the provisions of chapter 8, title 31, Idaho Code, or chapter 2, title 22, Idaho Code, shall not be annexed unless the annexation is approved by a majority of the board of county commissioners of the county in which the property lies.

(9) Airports. A city may annex land that is not contiguous to the city itself if such land is occupied by a municipally owned or operated airport or landing field. A city may not annex any land contiguous to the airport or landing field unless the land may otherwise be annexed pursuant to this section.

(10) Recreational areas. Property owned by a nongovernmental entity that is used to provide outdoor recreational activities to the public and that has been designated as a planned unit development of fifty (50) acres or more and does not require or utilize any city services must have the express written permission of the nongovernmental entity owner to be annexed by a city.

(11) Railroad rights-of-way. A railroad right-of-way property may be annexed pursuant to this section only when property within the city adjoins or will adjoin both sides of the right-of-way. Provided, however, no city council may annex property if the property will be connected to the city only by a shoestring connection or strip of land comprising the railroad right-of-way.

(12) Agricultural or forest lands. In addition to the requirements set forth in this section, the following lands may not be annexed without the express written permission of the landowner:

- (a) Land, if five (5) acres or greater, actively devoted to agriculture as defined in section 63-604(1), Idaho Code, regardless of whether such land is surrounded or bounded on all sides by lands within the city; and
- (b) Land, if five (5) acres or greater, actively devoted to forest land as defined in section 63-1701, Idaho Code, regardless of whether such land is surrounded or bounded on all sides by lands within the city.

(13) Judicial review. In the case of a city-initiated annexation, the decision of a city council to annex and zone land shall be subject to judicial review in accordance with the procedures provided in chapter 52, title 67, Idaho Code, and pursuant to the standards set forth in section 67-5279, Idaho Code. An appeal shall be filed by an affected person in the appropriate district court no later than twenty-eight (28) days after the date of publication of the annexation ordinance and shall be heard by the district court at the earliest practicable time. All cases in which there may arise a question of the validity of any city-initiated annexation under this section shall be advanced as a matter of immediate public interest and concern and shall be heard by the district court at the earliest practicable time.

(14) This section applies to annexations occurring on and after July 1, 2024. It does not invalidate or affect consent, including implied consent, obtained or annexations undertaken lawfully according to the laws in effect at the time of such consent or annexations.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved April 9, 2024

CHAPTER 322
(H.B. No. 421)

AN ACT

RELATING TO AN INDIVIDUAL'S SEX; PROVIDING LEGISLATIVE INTENT; AMENDING SECTION 73-114, IDAHO CODE, TO DEFINE TERMS AND TO APPLY DEFINITIONS TO STATE RULES AND POLICIES; AMENDING SECTION 18-1506C, IDAHO CODE, TO REVISE A DEFINITION; AMENDING SECTION 33-6602, IDAHO CODE, AS ENACTED BY SECTION 1, CHAPTER 120, LAWS OF 2023, TO REVISE A DEFINITION AND TO REDESIGNATE THE SECTION; AMENDING SECTION 39-245A, IDAHO CODE, TO REVISE A DEFINITION AND TO MAKE TECHNICAL CORRECTIONS; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. LEGISLATIVE INTENT. It is the intent of the Legislature to recognize the following:

- (1) In human beings, there are two, and only two, sexes: male and female;
- (2) Every individual is either male or female;
- (3) An individual's sex can be observed or clinically verified at or before birth;
- (4) Rare disorders of sexual development are not exceptions to the binary nature of sex;
- (5) In no case is an individual's sex determined by stipulation or self-identification;
- (6) There is increasing confusion about the definition of sex as a biological truth and its relationship to concepts and terms, including but not limited to gender, gender identity, gender role, gender expression, and experienced gender;
- (7) Confusion and ambiguities surrounding the definitions of sex, male, female, and related terms can hinder individual efforts to enjoy equal treatment under the law;
- (8) Legal equality of the two sexes does not imply that the sexes are identical to each other or are the same in every respect;
- (9) With respect to the two sexes, separate facilities, housing or sleeping arrangements, or sports teams, programs, or leagues established because of or organized according to physical differences between the sexes does not constitute unequal treatment under the law; and
- (10) Physical differences between males and females are enduring, and the two sexes are not fungible.

SECTION 2. That Section 73-114, Idaho Code, be, and the same is hereby amended to read as follows:

73-114. STATUTORY TERMS DEFINED. (1) Unless otherwise defined for purposes of a specific statute:

- (a) Words used in these compiled laws in the present tense, include the future as well as the present;
- (b) Words used in the masculine gender, include the feminine and neuter;

- (c) The singular number includes the plural and the plural the singular;
- (d) The word "person" includes a corporation as well as a natural person;
- (e) Writing includes printing;
- (f) Oath includes affirmation or declaration, and every mode of oral statement, under oath or affirmation, is embraced by the term "testify," and every written one in the term "depose";
- (g) Signature or subscription includes mark, when the person cannot write, his name being written near it, and witnessed by a person who writes his own name as a witness.

(2) The following words have, in the compiled laws and rules and policies of the state of Idaho, the signification attached to them in this section, unless otherwise apparent from the context:

- (a) "Boy" means a minor human male.
- (b) "Father" means a male parent.
- (c) "Female" means an individual who has, had, will have, or, but for a developmental or genetic anomaly or historical accident, would have the reproductive system that at some point produces, transports, and utilizes eggs for fertilization.
- (d) "Gender," when used to refer to males, females, or the natural differences between males and females, shall be considered a synonym for "sex" and shall not be considered a synonym for gender identity, an internal sense of gender, experienced gender, gender expression, or gender role. This definition shall not apply when the term "gender" is used in conjunction with other words or as an adjective to modify other words.
- (e) "Girl" means a minor human female.
- ~~(a)~~ (f) "Intellectual disability" means significantly subaverage general intellectual functioning that is accompanied by significant limitations in adaptive functioning in at least two (2) of the following skill areas: communication, self-care, home living, social or interpersonal skills, use of community resources, self-direction, functional academic skills, work, leisure, health and safety. The onset of significantly subaverage general intelligence functioning and significant limitations in adaptive functioning must occur before age eighteen (18) years.
- (g) "Male" means an individual who has, had, will have, or, but for a developmental or genetic anomaly or historical accident, would have the reproductive system that at some point produces, transports, and utilizes sperm for fertilization.
- ~~(b)~~ (h) "Month" means a calendar month, unless otherwise expressed.
- (i) "Mother" means a female parent.
- ~~(e)~~ (j) "Personal property" includes money, goods, chattels, things in action, evidences of debt and general intangibles as defined in the uniform commercial code -- secured transactions.
- ~~(d)~~ (k) "Property" includes both real and personal property.
- ~~(e)~~ (l) "Real property" is coextensive with lands, tenements and hereditaments, possessory rights and claims.
- ~~(f)~~ (m) "Registered mail" includes certified mail.
- (n) "Sex" means an individual's biological sex, either male or female.
- ~~(g)~~ (o) "State," when applied to the different parts of the United States, includes the District of Columbia and the territories; and the words "United States" may include the District of Columbia and territories.
- ~~(h)~~ (p) "Will" includes codicils.

~~(i) (q)~~ "Writ" signifies an order or precept in writing, issued in the name of the people, or of a court or judicial officer, and the word "process," a writ or summons issued in the course of judicial proceedings.

SECTION 3. That Section 18-1506C, Idaho Code, be, and the same is hereby amended to read as follows:

18-1506C. VULNERABLE CHILD PROTECTION. (1) This section shall be known and may be cited as the "Vulnerable Child Protection Act."

(2) As used in this section:

(a) "Child" means any person under eighteen (18) years of age; and

~~(b) "Sex" means the immutable biological and physiological characteristics, specifically the chromosomes and internal and external reproductive anatomy, genetically determined at conception and generally recognizable at birth, that define an individual as male or female is as defined in section 73-114, Idaho Code.~~

(3) A medical provider shall not engage in any of the following practices upon a child for the purpose of attempting to alter the appearance of or affirm the child's perception of the child's sex if that perception is inconsistent with the child's biological sex:

(a) Performing surgeries that sterilize or mutilate, or artificially construct tissue with the appearance of genitalia that differs from the child's biological sex, including castration, vasectomy, hysterectomy, oophorectomy, metoidioplasty, orchiectomy, penectomy, phalloplasty, clitoroplasty, vaginoplasty, vulvoplasty, ovariectomy, or reconstruction of the fixed part of the urethra with or without metoidioplasty, phalloplasty, scrotoplasty, or the implantation of erection or testicular prostheses;

(b) Performing a mastectomy;

(c) Administering or supplying the following medications that induce profound morphologic changes in the genitals of a child or induce transient or permanent infertility:

(i) Puberty-blocking medication to stop or delay normal puberty;

(ii) Supraphysiological doses of testosterone to a female; or

(iii) Supraphysiological doses of estrogen to a male; or

(d) Removing any otherwise healthy or nondiseased body part or tissue.

(4) A surgical operation or medical intervention shall not be a violation of this section if the operation or intervention is:

(a) Necessary to the health of the person on whom it is performed and is performed by a person licensed in the place of its performance as a medical practitioner, except that a surgical operation or medical intervention is never necessary to the health of the child on whom it is performed if it is for the purpose of attempting to alter the appearance of or affirm the child's perception of the child's sex if that perception is inconsistent with the child's biological sex;

(b) For the treatment of any infection, injury, disease, or disorder that has been caused or exacerbated by the performance of gender transition procedures, whether or not the procedures were performed in accordance with state and federal law; or

(c) Performed in accordance with the good faith medical decision of a parent or guardian of a child born with a medically verifiable genetic disorder of sex development, including:

(i) A child with external biological sex characteristics that are ambiguous and irresolvable, such as a child born having 46, XX chromosomes with virilization, 46, XY chromosomes with undervirilization, or with both ovarian and testicular tissue; or

(ii) When a physician has otherwise diagnosed a disorder of sexual development in which the physician has determined through genetic testing that the child does not have the normal sex chromosome structure, sex steroid hormone production, or sex steroid hormone action for a male or female.

(5) Any medical professional convicted of a violation of this section shall be guilty of a felony and shall be imprisoned in the state prison for a term of not more than ten (10) years.

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

SECTION 4. That Section 33-6602, Idaho Code, as enacted by Section 1, Chapter 120, Laws of 2023, be, and the same is hereby amended to read as follows:

~~33-6602.~~ 33-6702. DEFINITIONS. For the purposes of this chapter:

(1) "Changing facility" means a facility in which a person may be in a state of undress in the presence of others, including a locker room, changing room, or shower room.

(2) "Public school" means any public school teaching K-12 students within an Idaho school district or charter school.

(3) ~~"Sex" means the immutable biological and physiological characteristics, specifically the chromosomes and internal and external reproductive anatomy, genetically determined at conception and generally recognizable at birth, that define an individual as male or female~~ is as defined in section 73-114, Idaho Code.

SECTION 5. That Section 39-245A, Idaho Code, be, and the same is hereby amended to read as follows:

39-245A. CERTIFICATES OF BIRTH -- MATERIAL FACTS INCLUDED -- AMENDMENTS.

(1) (a) The legislature finds that:

(i) There is a compelling interest in maintaining accurate, quantitative, biology-based material facts on Idaho certificates of birth that provide material facts fundamental to the performance of government functions that secure the public health and safety, including but not limited to identifying public health trends, assessing risks, conducting criminal investigations, and helping individuals determine their biological lineage, citizenship, or susceptibility to genetic disorders;

(ii) The equal protection clause of the fourteenth amendment to the United States constitution prohibits purposeful discrimination, not facially neutral laws of general applicability, such as a biology-based definition of sex that has been consistently applied since our nation's founding;

(iii) Decades of court opinion have upheld the argument that biological distinctions between male and female are a matter of scientific fact, and biological sex is an objectively defined category that has obvious, immutable, and distinguishable characteristics;

(iv) Identification of biological sex on a birth certificate impacts the health and safety of all individuals. For example, the society for evidence-based gender medicine has declared that the conflation of sex and gender in health care is alarming, subjects hundreds of thousands of individuals to the risk of unintended medical harm, and will greatly impede medical research;

(v) Vital statistics are defined in section 39-241(21), Idaho Code, as data, being the plural of datum, which is a known fact;

(vi) Idaho certificates of birth are of an evidentiary character and prima facie evidence of the facts recited therein, according to section 39-274, Idaho Code;

(vii) Age and sex, unlike the names of natural parents whose rights have been terminated, are legally applicable facts fundamental to the performance of public and private policies and contracts;

(viii) The failure to maintain accurate, quantitative vital statistics and legal definitions upon which the government and others may with confidence rely constitutes a breach of the public trust; and

(ix) The government has a compelling interest in maintaining the public trust and confidence and a duty to fulfill, to the best of its ability, those functions that rely on accurate vital statistics.

(b) Based on the findings in paragraph (a) of this subsection, the legislature directs that an Idaho certificate of birth shall document specific quantitative, material facts at the time of birth, as provided in subsection (2) of this section.

(2) Any certificate of birth issued under the provisions of this chapter shall include the following quantitative statistics and material facts specific to that birth: time of birth, date of birth, sex, birth weight, birth length, and place of birth.

(3) For purposes of this chapter, "~~sex~~" ~~means the immutable biological and physiological characteristics, specifically the chromosomes and internal and external reproductive anatomy, genetically determined at conception and generally recognizable at birth, that define an individual as male or female~~ is as defined in section 73-114, Idaho Code.

(4) The quantitative statistics and material facts identified in subsection (2) of this section may be amended within one (1) year of the filing of the certificate by submitting to the registrar a notarized affidavit of correction that:

(a) Is on a form prescribed by the registrar;

(b) Is signed by:

(i) The parents identified on the certificate of birth; or

(ii) The child's legal guardian;

(c) Is signed by the physician or other person in attendance who provided the medical information and certified to the facts of birth; and

(d) Declares that the information contained on the certificate of birth incorrectly represents a material fact at the time of birth.

After one (1) year, the quantitative statistics and material facts identified in subsection (2) of this section may be challenged in court only on the basis of fraud, duress, or material mistake of fact, with the burden of proof upon the party challenging the acknowledgment.

(5) In those instances in which an individual suffers from a physiological disorder of sexual development and the individual's biological sex cannot be recognized at birth as male or female based upon externally observable reproductive anatomy, the physician shall make a presumptive determination of the individual's sex, which may thereafter be amended based on the appropriate combination of genetic analysis and evaluation of the individual's naturally occurring internal and external reproductive anatomy as provided in subsection (4) of this section.

(6) Notwithstanding any provision of this section to the contrary, a hospital may correct a birth certificate for a clerical or data entry error at any time by submitting a notarized affidavit on a form specified by the registrar with any appropriate supporting documentation.

SECTION 6. SEVERABILITY. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this act.

SECTION 7. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved April 9, 2024

CHAPTER 323
(S.B. No. 1456)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISION OF MEDICAID FOR FISCAL YEAR 2025; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISION OF MEDICAID FOR FISCAL YEAR 2025; AUTHORIZING ADDITIONAL FULL-TIME EQUIVALENT POSITIONS; PROVIDING REAPPROPRIATION AUTHORITY FOR FISCAL YEAR 2025; REQUIRING A REPORT ON PROVIDER RATE INCREASES; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISION OF MEDICAID FOR FISCAL YEAR 2024; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISION OF MEDICAID FOR FISCAL YEAR 2024; AND DECLARING AN EMERGENCY AND PROVIDING EFFECTIVE DATES.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the Department of Health and Welfare for the Division of Medicaid the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2024, through June 30, 2025:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. MEDICAID ADMINISTRATION AND MEDICAL MANAGEMENT:				
FROM:				
Cooperative Welfare (General)				
Fund	\$1,587,900	\$639,400		\$2,227,300
Medicaid Management Information Systems Dedicated				
Fund		13,237,800		13,237,800
Idaho Millennium Income				
Fund	1,500			1,500
Cooperative Welfare (Federal)				
Fund	<u>1,815,700</u>	<u>121,463,600</u>		<u>123,279,300</u>
TOTAL	\$3,405,100	\$135,340,800		\$138,745,900

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
II. COORDINATED MEDICAID PLAN:				
FROM:				
Cooperative Welfare (General)				
Fund			\$24,576,200	\$24,576,200
Idaho Millennium Income				
Fund			4,000,000	4,000,000
Cooperative Welfare (Federal)				
Fund			<u>76,731,900</u>	<u>76,731,900</u>
TOTAL			\$105,308,100	\$105,308,100
III. ENHANCED MEDICAID PLAN:				
FROM:				
Cooperative Welfare (General)				
Fund			\$33,856,600	\$33,856,600
Hospital Assessment				
Fund			6,809,200	6,809,200
Cooperative Welfare (Dedicated)				
Fund			16,838,200	16,838,200
Idaho Millennium Income				
Fund			4,000,000	4,000,000
Cooperative Welfare (Federal)				
Fund			<u>44,132,000</u>	<u>44,132,000</u>
TOTAL			\$105,636,000	\$105,636,000
IV. BASIC MEDICAID PLAN:				
FROM:				
Cooperative Welfare (General)				
Fund			\$20,036,200	\$20,036,200
Idaho Millennium Income				
Fund			4,000,000	4,000,000
Cooperative Welfare (Federal)				
Fund			<u>21,660,600</u>	<u>21,660,600</u>
TOTAL			\$45,696,800	\$45,696,800
V. EXPANSION MEDICAID PLAN:				
FROM:				
Cooperative Welfare (General)				
Fund			\$5,892,900	\$5,892,900
Cooperative Welfare (Dedicated)				
Fund			42,335,600	42,335,600

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Cooperative Welfare (Federal)				
Fund			<u>43,391,700</u>	<u>43,391,700</u>
TOTAL			\$91,620,200	\$91,620,200
GRAND TOTAL	\$3,405,100	\$135,340,800	\$348,261,100	\$487,007,000

SECTION 2. Notwithstanding any other provision of law to the contrary, the appropriation made to the Department of Health and Welfare for the Division of Medicaid is hereby reduced by the following amounts for the designated programs for trustee and benefit payments from the listed funds for the period July 1, 2024, through June 30, 2025:

I. COORDINATED MEDICAID PLAN:

FROM:

Cooperative Welfare (General) Fund	\$14,519,400
Cooperative Welfare (Federal) Fund	<u>40,227,000</u>
TOTAL	\$54,746,400

II. ENHANCED MEDICAID PLAN:

FROM:

Cooperative Welfare (General) Fund	\$4,000,000
Cooperative Welfare (Federal) Fund	<u>35,470,900</u>
TOTAL	\$39,470,900

III. BASIC MEDICAID PLAN:

FROM:

Cooperative Welfare (General) Fund	\$4,000,000
Cooperative Welfare (Federal) Fund	<u>27,757,700</u>
TOTAL	\$31,757,700

IV. EXPANSION MEDICAID PLAN:

FROM:

Cooperative Welfare (Federal) Fund	\$107,819,100
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GRAND TOTAL	\$233,794,100
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SECTION 3. FTP AUTHORIZATION. In addition to any other authorization provided by law, the full-time equivalent position authorization provided to the Department of Health and Welfare for the Division of Medicaid is hereby increased by twenty-four and five-tenths (24.50) for the period July 1, 2024, through June 30, 2025.

SECTION 4. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Department of Health and Welfare for the Division of Medicaid any unexpended and unencumbered balance appropriated or reappropriated to the

Department of Health and Welfare for the Division of Medicaid from the Idaho Millennium Income Fund for fiscal year 2024, in an amount not to exceed \$250,000 in operating expenditures from the Idaho Millennium Income Fund to be used for the state's portion of the workforce requirement cost share for the period July 1, 2024, through June 30, 2025. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 5. PROVIDER RATE INCREASES. The Division of Medicaid shall deliver a report to the Legislative Services Office Budget and Policy Analysis Division no later than December 1, 2024, on how the reimbursement rate in Section 1 of this act was allocated by children's developmental disability service providers, adult developmental disability service providers, and aged and disabled service providers. The report shall include detailed information on how the funds were used to increase frontline and direct-care staff compensation, overhead and other business expenses, and compensation changes for other staff positions. All providers of these services shall participate and provide necessary information to the Division of Medicaid in a timely manner for the report to be prepared and published. The format of the report and information contained therein shall be determined by the Legislative Services Office Budget and Policy Analysis Division.

SECTION 6. In addition to the appropriation made in Section 1, Chapter 297, Laws of 2023, and any other appropriation provided for by law, there is hereby appropriated to the Department of Health and Welfare for the Division of Medicaid the following amounts for the designated programs to be expended for trustee and benefit payments from the listed funds for the period July 1, 2023, through June 30, 2024:

I. COORDINATED MEDICAID PLAN:

FROM:

Hospital Assessment Fund	\$15,429,000
Cooperative Welfare (Federal) Fund	<u>51,430,200</u>
TOTAL	\$66,859,200

II. BASIC MEDICAID PLAN:

FROM:

Hospital Assessment Fund	\$109,571,000
Cooperative Welfare (Federal) Fund	<u>44,569,800</u>
TOTAL	\$154,140,800

III. EXPANSION MEDICAID PLAN:

FROM:

Hospital Assessment Fund	\$600,000
Cooperative Welfare (Federal) Fund	<u>27,900,000</u>
TOTAL	\$28,500,000

GRAND TOTAL	\$249,500,000
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SECTION 7. Notwithstanding any provision of law to the contrary, the appropriation made to the Department of Health and Welfare for the Division of Medicaid in Section 1, Chapter 297, Laws of 2023, is hereby reduced by the following amounts for the designated programs and expense classes from the listed funds for the period July 1, 2023, through June 30, 2024:

	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. MEDICAID ADMINISTRATION AND MEDICAL MANAGEMENT:			
FROM:			
Cooperative Welfare (General)			
Fund	\$69,600		\$69,600
Cooperative Welfare (Federal)			
Fund	<u>17,032,500</u>		<u>17,032,500</u>
TOTAL	\$17,102,100		\$17,102,100
II. COORDINATED MEDICAID PLAN:			
FROM:			
Cooperative Welfare (General)			
Fund		\$4,640,400	\$4,640,400
Cooperative Welfare (Federal)			
Fund		<u>2,314,300</u>	<u>2,314,300</u>
TOTAL		\$6,954,700	\$6,954,700
III. BASIC MEDICAID PLAN:			
FROM:			
Cooperative Welfare (General)			
Fund		\$88,167,200	\$88,167,200
Cooperative Welfare (Dedicated)			
Fund		80,000,000	80,000,000
Cooperative Welfare (Federal)			
Fund		<u>43,972,500</u>	<u>43,972,500</u>
TOTAL		\$212,139,700	\$212,139,700
IV. EXPANSION MEDICAID PLAN:			
FROM:			
Cooperative Welfare (Federal)			
Fund		\$138,860,300	\$138,860,300
GRAND TOTAL	\$17,102,100	\$357,954,700	\$375,056,800

SECTION 8. An emergency existing therefor, which emergency is hereby declared to exist, Sections 6 and 7 of this act shall be in full force and effect on and after passage and approval, and Sections 1 through 5 of this act shall be in full force and effect on and after July 1, 2024.

Approved April 9, 2024

CHAPTER 324
(S.B. No. 1446)

AN ACT

RELATING TO THE APPROPRIATION TO THE LEGISLATIVE SERVICES OFFICE; APPROPRIATING ADDITIONAL MONEYS TO THE LEGISLATIVE SERVICES OFFICE FOR FISCAL YEAR 2025; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the Legislative Services Office the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2024, through June 30, 2025:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
FROM:			
General			
Fund	\$388,300	\$9,000	\$397,300
Technology Infrastructure Stabilization			
Fund	<u>121,400</u>	<u>15,000</u>	<u>136,400</u>
TOTAL	\$509,700	\$24,000	\$533,700

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved April 9, 2024

CHAPTER 325
(H.B. No. 746)

AN ACT

RELATING TO JUDICIAL COMPENSATION; AMENDING SECTION 1-2001, IDAHO CODE, TO PROVIDE FOR PAYMENT OF A BONUS TO CERTAIN PERSONS UPON RETIREMENT AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 1-2224, IDAHO CODE, TO PROVIDE FOR PAYMENT OF A BONUS TO CERTAIN PERSONS UPON RETIREMENT; AMENDING SECTION 59-502, IDAHO CODE, TO REVISE A PROVISION REGARDING THE SALARY OF THE JUSTICES OF THE SUPREME COURT AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 1-2001, Idaho Code, be, and the same is hereby amended to read as follows:

1-2001. SUPREME COURT JUSTICES, COURT OF APPEALS JUDGES AND DISTRICT JUDGES -- AGE OF RETIREMENT -- COMPENSATION ON RETIREMENT.

(1) (a) Every person who served as a justice of the supreme court or judge of the court of appeals or district judge of the district court and who was receiving benefits from the judges' retirement fund before July 1, 2000, for such service, shall be entitled to benefits from the fund

according to the formula for calculating such benefits as provided in ~~section 1-2001(2)(a)~~, Idaho Code subsection (2)(a) of this section.

(b) The term "retirement board" as used in this chapter shall mean the retirement board created by section 59-1304, Idaho Code.

(2) Any person who is now serving or who shall hereafter serve as a justice of the supreme court, a judge of the court of appeals, or a district judge of a district court of this state shall prior to retirement elect in writing to retire under either paragraph (a) or (b) of this subsection, provided that a person who has first assumed office as a supreme court justice, judge of the court of appeals or district judge on or after July 1, 2012, and who is eligible to receive an annual retirement compensation only under the criteria set forth in subsection (3)(c) of this section, may retire only under paragraph (a) of this subsection. Any person who fails to make the election provided for in this subsection prior to retirement shall receive retirement compensation under the provisions of paragraph (a) of this subsection.

(a) (i) On or after July 1, 2000, any person who has served or who is now serving or who shall hereafter serve as a justice of the supreme court, a judge of the court of appeals, or a district judge of a district court of this state may leave office or retire and be entitled to receive, and to have paid from the date of his retirement until death, an annual retirement compensation payable in monthly installments on the first day of each month.

(ii) A person who assumed office as a supreme court justice, judge of the court of appeals or district judge prior to July 1, 2012, shall receive an annual retirement compensation based upon a percentage of the current annual compensation of the highest office in which such person served, unless such person makes an irrevocable election no later than August 1, 2012, to receive upon retirement an annual retirement compensation based upon the provisions in this paragraph applicable to justices or judges who first assumed such office on or after July 1, 2012.

(iii) A person who first assumed office as a supreme court justice, judge of the court of appeals or district judge on or after July 1, 2012, shall receive an annual retirement compensation based upon a percentage of the annual compensation at the time of such person's retirement or resignation from the highest office in which such person served, and such compensation shall be adjusted annually by the postretirement allowance adjustment established pursuant to section 59-1355, Idaho Code.

(iv) The percentage applicable to all retiring justices and judges shall be equal to five percent (5%) multiplied by the number of years served as either justice or judge, or both, for the first ten (10) years of service plus two and one-half percent (2 1/2%) multiplied by the remaining number of years served as either justice or judge, or both, but in any event the total percentage shall not be greater than seventy-five percent (75%).

(b) (i) On or after July 1, 2000, any person who is now serving or who shall hereafter serve as a justice of the supreme court, a judge of the court of appeals, or a district judge of a district court of this state may retire from office and be entitled to receive, and to have paid from the date of his retirement until death, an annual retirement compensation payable in monthly installments on the first day of each month.

(ii) A person who assumed office as a supreme court justice, judge of the court of appeals or district judge prior to July 1, 2012, shall receive an annual retirement compensation based upon a percentage of the current annual compensation of the highest office in which such person served, unless such person makes an irrevoca-

ble election no later than August 1, 2012, to receive upon retirement an annual retirement compensation based upon the provisions ~~in~~ of this paragraph applicable to justices or judges who first assumed such office on or after July 1, 2012.

(iii) A person who first assumed office as a supreme court justice, judge of the court of appeals or district judge on or after July 1, 2012, shall receive an annual retirement compensation based upon a percentage of the annual compensation at the time of such person's retirement or resignation of the highest office in which such person served, and such compensation shall be adjusted annually by the postretirement allowance adjustment established pursuant to section 59-1355, Idaho Code.

(iv) The percentage applicable to all retiring justices and judges shall be equal to five percent (5%) multiplied by the number of years served as either justice or judge, or both, for the first ten (10) years of service plus two and one-half percent (2 1/2%) multiplied by the remaining number of years served as either justice or judge, or both, plus two and one-half percent (2 1/2%) multiplied by five (5) years senior judge service, but in any event the total percentage shall not be greater than seventy-five percent (75%).

(c) (i) A justice or judge electing to retire under paragraph (b) of this subsection and who assumed office as a supreme court justice, judge of the court of appeals or district judge prior to July 1, 2012, shall serve as a senior judge, without compensation other than annual health benefits, for thirty-five (35) days per year for a period of five (5) years.

(ii) A justice or judge electing to retire under paragraph (b) of this subsection who first assumed office as a supreme court justice, judge of the court of appeals or district judge on or after July 1, 2012, shall serve as a senior judge, without compensation other than annual health benefits, for sixty (60) days per year for a period of five (5) years.

(iii) A justice or judge who serves more than the required number of days per year may carry over the additional days to fulfill the senior judge service obligation in future years. The terms and conditions of such senior judge service shall be as provided under section 1-2005, Idaho Code.

(d) Upon certification from the chief justice that any justice or judge who retired under paragraph (b) of this subsection has failed to perform the senior judge services required under paragraph (c) of this subsection, and has not been relieved of the obligations to perform those services in the manner provided by this subsection, the judges' retirement fund shall recalculate the retirement compensation benefits of the non-complying justice or judge under paragraph (a) of this subsection, and the noncomplying justice or judge shall thereafter receive only the recalculated amount.

(e) A justice or judge may be relieved of the senior judge service obligation imposed by this subsection if he fails for good cause to complete the obligation. A retired justice or judge who is relieved of the obligation to serve as a senior judge shall continue to receive the retirement allowance provided under paragraph (b) of this subsection.

(f) "Good cause" includes, but is not limited to:

(i) Physical or mental incapacitation of a justice or judge that prevents the justice or judge from discharging the duties of judicial office;

(ii) Failure of the supreme court to assign a senior judge to the requisite amount of senior judge service, whether because of insufficient need for senior judges, a determination by the supreme

court that the skills of a senior judge do not match the needs of the courts, clerical mistake or otherwise; or

(iii) Death of a senior judge.

(g) "Good cause" does not include:

(i) A senior judge's refusal, without good cause, to accept senior judge assignments sufficient to meet the required amount; or

(ii) A senior judge's affirmative voluntary act that makes him unqualified to serve as a judge of this state including, but not limited to, failure to maintain a residence within the state, commencing the practice of law other than as a mediator, arbitrator or similar alternative dispute resolution function, acceptance of a position in another branch of state government or political subdivision, or the acceptance of a position in the government of the United States or of another state or nation.

(h) The supreme court may make rules for the implementation of this subsection.

(3) On or after July 1, 2000, each person who has served but is not receiving benefits or who is now serving or who shall hereafter serve who shall leave office or retire as justice of the supreme court, judge of the court of appeals, or district judge of a district court in this state shall be eligible to receive an annual retirement compensation when such person shall meet one (1) of the following eligibility criteria:

(a) Attaining the age of sixty-five (65) years and having a minimum service of four (4) years;

(b) Attaining the age of sixty (60) years and having a minimum service of ten (10) years;

(c) Attaining the age of fifty-five (55) years and having a minimum service of fifteen (15) years; or

(d) At any age after twenty (20) years of service.

(4) (a) On or after July 1, 2000, each justice or judge who is now serving or who shall hereafter be appointed or elected and who shall retire by reason of disability preventing him from further performance of the duties of his office, after a service in any or all of said courts of four (4) years or more, shall, upon retirement, be entitled to receive and to have paid to him until death an annual retirement compensation payable in monthly installments on the first day of each month.

(b) A person who assumed office as a supreme court justice, judge of the court of appeals or district judge prior to July 1, 2012, shall receive an annual retirement compensation based upon a percentage of the current annual compensation of the highest office in which such person served, unless such person makes an irrevocable election no later than August 1, 2012, to receive upon retirement an annual retirement compensation based upon the provisions in this subsection applicable to justices or judges who first assumed such office on or after July 1, 2012.

(c) A person who first assumed office as a supreme court justice, judge of the court of appeals or district judge on or after July 1, 2012, shall receive an annual retirement compensation based upon a percentage of the annual compensation at the time of such person's retirement or resignation from the highest office in which such person has served, and such compensation shall be adjusted annually by the postretirement allowance adjustment established pursuant to section 59-1355, Idaho Code.

(d) The percentage applicable to all justices and judges who retire by reason of disability shall be equal to five percent (5%) multiplied by the number of years served as either justice or judge, or both, for the first ten (10) years of service, plus two and one-half percent (2 1/2%) multiplied by the remaining number of years served as either justice or judge, or both, but such percentage shall not exceed seventy-five percent (75%).

(5) All retirement compensation shall be paid out of the judges' retirement fund, provided however, that a justice or judge who has served less than four (4) years shall be entitled to have refunded to him all contributions made by him to the judges' retirement fund, with six and one-half percent (6 1/2%) interest computed annually but shall not be entitled to any other compensation from the fund.

(6) A person who has retired from the office of supreme court justice, judge of the court of appeals or district judge prior to July 1, 2012, or any other person receiving benefits as of July 1, 2012, may make an irrevocable election no later than August 1, 2012, to thereafter receive an annual retirement compensation or allowance equal to the amount of the annual retirement compensation or allowance such person was receiving as of July 1, 2012, and to have such compensation or allowance thereafter adjusted annually by the postretirement allowance adjustment established pursuant to section 59-1355, Idaho Code.

(7) Notwithstanding any other provision of this section, any person who makes an election to remain in the public employee retirement system of Idaho as provided in section 1-2011, Idaho Code, shall not participate in the judges' retirement fund established in this chapter, but shall continue to participate in the public employee retirement system of Idaho and be governed under the provisions of that system, except as provided in section 1-2005, Idaho Code.

(8) (a) Effective July 1, 2024, a judge eligible to receive retirement compensation under the judges' retirement fund and pursuant to the provisions of this section shall be entitled to a retirement bonus after retirement of twenty-five thousand dollars (\$25,000) if:

(i) The judge retires at the conclusion of the term of office to which the judge was most recently elected or appointed;

(ii) The judge has given written notice to the supreme court, which shall announce the upcoming retirement to the general public and the legislature in the same manner that judicial vacancies are customarily announced;

(iii) Such announcement is made not less than one (1) year in advance of the retirement; and

(iv) The retiring judge is replaced in office by a judge who is elected, not appointed. This requirement shall not apply if no candidate stands for election to replace the retiring judge.

(b) If the requirements in paragraph (a) of this subsection are not met, then such retiring judge shall not be eligible to receive the retirement bonus provided for in this subsection.

SECTION 2. That Section 1-2224, Idaho Code, be, and the same is hereby amended to read as follows:

1-2224. SENIOR MAGISTRATE JUDGES FUND. (1) There is hereby created in the office of the state treasurer, separate and apart from other funds of the state, a dedicated fund to be known as the senior magistrate judges fund. Moneys deposited into the fund pursuant to section 31-3201A, Idaho Code, shall, subject to appropriation, be used by the Idaho supreme court to purchase up to a maximum of forty-eight (48) months of membership service in the public employee retirement system of Idaho under section 59-1363, Idaho Code, for retiring magistrate judges of the district court who hold office under the provisions of chapter 22, title 1, Idaho Code, at the time of their retirement. The supreme court's purchase of membership service in the public employee retirement system of Idaho under this section shall also be restricted by any applicable limits and requirements established by the public employee retirement system of Idaho and by the United States internal revenue service.

(2) The actual number of months of membership service the supreme court may purchase on behalf of a person shall be based upon the period of full-time service provided to the judicial department by that person prior to retirement and the person's willingness to perform service as a senior judge if he or she is designated a senior judge by the supreme court pursuant to section 1-2005 or 1-2221, Idaho Code.

(3) The supreme court may adopt rules for the application and implementation of subsections (1) and (2) of this section including, but not limited to, establishing eligibility requirements and a formula, criteria and procedures for determining the number of months of membership service the court will purchase on behalf of a person.

(4) (a) In addition to the potential purchase of up to forty-eight (48) months of membership service in the public employee retirement system of Idaho, as set forth in this section, and without regard to whether a magistrate judge serves in the capacity of a senior magistrate, effective July 1, 2024, a magistrate judge that is retiring and is eligible to receive retirement compensation under the public employee retirement system of Idaho shall be entitled to a retirement bonus after retirement of twenty-five thousand dollars (\$25,000) if:

(i) The magistrate judge retires at the conclusion of the term of office to which the magistrate judge was most recently elected or appointed;

(ii) The magistrate judge has given written notice to the supreme court, which shall announce the upcoming retirement to the general public and the legislature in the same manner that judicial vacancies are customarily announced; and

(iii) Such announcement is made not less than one (1) year in advance of the retirement.

(b) If the requirements in paragraph (a) of this subsection are not met, then such retiring magistrate judge shall not be eligible to receive the retirement bonus provided for in this subsection.

~~(4)~~ (5) Moneys deposited into the fund may be allowed to accumulate from year to year for the purposes set forth in this section, and all interest earned on the investment of idle moneys in the fund by the state treasurer shall be returned to the fund.

SECTION 3. That Section 59-502, Idaho Code, be, and the same is hereby amended to read as follows:

59-502. SALARIES OF JUDGES. (1) Commencing on July 1, 2023 ~~2024~~, the salary of the justices of the supreme court shall be ~~one hundred sixty-five thousand two hundred twelve dollars (\$165,212)~~ one hundred sixty-nine thousand five hundred eight dollars (\$169,508) per annum.

(2) Commencing on July 1, 2023, judges of the court of appeals shall receive an annual salary in an amount of eight thousand dollars (\$8,000) less than the annual salary of a supreme court justice.

(3) Commencing on July 1, 2017, district judges shall receive an annual salary in an amount of six thousand dollars (\$6,000) less than the annual salary of a judge of the court of appeals.

(4) Commencing on July 1, 2023, magistrate judges shall receive an annual salary in an amount of eight thousand dollars (\$8,000) less than the annual salary of a district judge.

(5) Salaries shall be paid on regular pay periods not less frequently than monthly as determined by order of the supreme court as due out of the state treasury, but no justice of the supreme court or judge of the district court or magistrate shall be paid his salary, or any part thereof, unless he shall first take and subscribe an oath that there is not in his hands any matter in controversy not decided by him, ~~which~~ that has been finally submitted for his consideration and determination thirty (30) days prior to his taking and subscribing said oath.

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved April 9, 2024

CHAPTER 326
(H.B. No. 764)

AN ACT
RELATING TO THE APPROPRIATION TO THE JUDICIAL BRANCH; APPROPRIATING ADDITIONAL MONEYS TO THE JUDICIAL BRANCH FOR FISCAL YEAR 2025; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the Judicial Branch the following amounts to be expended according to the designated programs for personnel costs from the General Fund for the period July 1, 2024, through June 30, 2025, for the purpose of judicial compensation:

FOR:	
Supreme Court	\$35,400
Court of Appeals	28,900
District Courts	360,000
Magistrate Division	<u>534,300</u>
TOTAL	\$958,600

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved April 10, 2024

CHAPTER 327

(H.B. No. 710, As Amended in the Senate)

AN ACT

RELATING TO MINORS; AMENDING SECTION 18-1514, IDAHO CODE, TO REVISE A DEFINITION, TO DEFINE A TERM, AND TO MAKE A TECHNICAL CORRECTION; AMENDING CHAPTER 15, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-1517B, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROHIBIT CERTAIN MATERIALS FROM BEING PROMOTED, GIVEN, OR MADE AVAILABLE TO A MINOR BY A SCHOOL OR PUBLIC LIBRARY, TO PROVIDE FOR A CAUSE OF ACTION, TO PROVIDE FOR DAMAGES, TO PROVIDE FOR INJUNCTIVE RELIEF, TO PROVIDE FOR AFFIRMATIVE DEFENSES, TO PROVIDE FOR A FORM ALLOWING A PERSON TO REQUEST REVIEW OF MATERIAL THE PERSON CONSIDERS TO BE HARMFUL TO MINORS, AND TO PROVIDE FOR HOW AN ACTION MAY BE BROUGHT; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 18-1514, Idaho Code, be, and the same is hereby amended to read as follows:

18-1514. OBSCENE MATERIALS -- DEFINITIONS. The following definitions are applicable to this act:

1. "Minor" means any person less than eighteen (18) years of age.
2. "Nudity" means the showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or the showing of the female breast with less than a full opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state.
3. "Sexual conduct" means any act of masturbation, homosexuality, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks or, if such person be a female, the breast.
4. "Sexual excitement" means the condition of human male or female genitals when in a state of sexual stimulation or arousal.
5. "Sado-masochistic abuse" means flagellation or torture by or upon a person who is nude or clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one who is nude or so clothed.
6. "Harmful to minors" includes in its meaning ~~one or both of the following:~~
 - (a) ~~The~~ the quality of any material or of any performance or of any description or representation, in whatever form, of nudity, sexual conduct, sexual excitement, or sado-masochistic abuse, when it:
 - (1) appeals Appeals to the prurient interest of minors as judged by the average person, applying contemporary community standards; and
 - (2) depicts Depicts or describes representations or descriptions of nudity, sexual conduct, sexual excitement, or sado-masochistic abuse which are patently offensive to prevailing standards in the adult community with respect to what is suitable material for minors and includes, but is not limited to, patently offensive representations or descriptions of:
 - (i) intimate Intimate sexual acts, normal or perverted, actual or simulated; or

(ii) ~~masturbation~~, Masturbation, excretory functions or lewd exhibition of the genitals or genital area. Nothing herein contained is intended to include or proscribe any matter which, when considered as a whole, and in context in which it is used, possesses serious literary, artistic, political or scientific value for minors, ~~according to prevailing standards in the adult community, with respect to what is suitable for minors.~~

~~(b) The quality of any material or of any performance, or of any description or representation, in whatever form, which, as a whole, has the dominant effect of substantially arousing sexual desires in persons under the age of eighteen (18) years.~~

7. "Material" means anything tangible which is harmful to minors, whether derived through the medium of reading, observation or sound.

8. "Performance" means any play, motion picture, dance or other exhibition performed before an audience.

9. "Promote" means to manufacture, issue, sell, give, provide, deliver, publish, distribute, circulate, disseminate, present, exhibit or advertise, or to offer or agree to do the same.

10. "Knowingly" means having general knowledge of, or reason to know, or a belief or reasonable ground for belief which that warrants further inspection or inquiry.

11. "School" means any public or private school providing instruction for students in kindergarten through grade 12.

SECTION 2. That Chapter 15, Title 18, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 18-1517B, Idaho Code, and to read as follows:

18-1517B. CHILDREN'S SCHOOL AND LIBRARY PROTECTION. (1) This section shall be known and may be cited as the "Children's School and Library Protection Act."

(2) Notwithstanding any other provision of law, a school or public library, or an agent thereof, shall not promote, give, or make available to a minor:

(a) Any picture, photograph, drawing, sculpture, motion picture film, or similar visual representation or image of a person or portion of the human body that depicts nudity, sexual conduct, or sado-masochistic abuse and that is harmful to minors;

(b) Any book, pamphlet, magazine, printed matter however reproduced, or sound recording that contains any matter pursuant to paragraph (a) of this subsection or explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct, or sado-masochistic abuse and that, taken as a whole, is harmful to minors; or

(c) Any other material harmful to minors.

(3) Any minor who obtains material, or parent or legal guardian whose child obtained material, in violation of the provisions of subsection (2) of this section from a school or public library shall have a cause of action against such institution if:

(a) The institution gave or made available material harmful to minors, or the institution failed to take reasonable steps to restrict access by minors to material harmful to minors;

(b) Prior to the filing of a cause of action, the minor, parent, or legal guardian has provided written notice to the school or public library asking for the relocation of such material to a section designated for adults only within sixty (60) days of receipt of the written notice; and

(c) Upon receipt of written notice and subsequent to the expiration of sixty (60) days, the institution's library board or board of trustees failed to relocate the material harmful to minors to an area with adult access only.

(4) Any minor, parent, or legal guardian who prevails in an action brought under this section may recover two hundred fifty dollars (\$250) in statutory damages as well as actual damages and any other relief available by law, including but not limited to injunctive relief sufficient to prevent the defendant school or public library from violating the requirements of this section.

(5) A county prosecuting attorney or the attorney general shall have a cause of action for injunctive relief against any school or public library that violates the provisions of subsection (2) of this section. The injunction shall be sufficient to prevent the defendant school or public library from violating the requirements of this section.

(6) It shall be an affirmative defense to civil liability under this section that the defendant:

(a) Had reasonable cause to believe that the minor involved was eighteen (18) years of age or older or such minor exhibited to the defendant a draft card, driver's license, birth certificate, or other official or apparently official document purporting to establish that the minor was eighteen (18) years of age or older; or

(b) Verified the minor involved was accompanied, at the time of the act, by his parent or legal guardian, or by another adult and the adult represented that he was the minor's parent or legal guardian and signed a written statement to that effect.

(7) Each school and public library shall have a policy and readily accessible form allowing a person to request review of material the person considers to be harmful to minors. Such form shall contain the definition of "harmful to minors," as provided in section 18-1514, Idaho Code.

(8) Any action brought pursuant to this section by or on behalf of a minor shall be in accordance with the provisions of chapter 9, title 6, Idaho Code, section 5-306, Idaho Code, and rule 17 of the Idaho rules of civil procedure.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved April 10, 2024

CHAPTER 328
(S.B. No. 1460)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISION OF WELFARE FOR FISCAL YEAR 2025; PROVIDING DIRECTION TO MAXIMIZE FEDERAL FUNDS FOR CHILD CARE DEVELOPMENT BLOCK GRANTS; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISION OF WELFARE FOR FISCAL YEAR 2024; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISION OF WELFARE FOR FISCAL YEAR 2024; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISION OF WELFARE FOR FISCAL YEAR 2024; AND DECLARING AN EMERGENCY AND PROVIDING EFFECTIVE DATES.

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

SECTION 1. Notwithstanding any other provision of law to the contrary, there is hereby appropriated to the Department of Health and Welfare for the Division of Welfare for the Self-Reliance Operations Program the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2024, through June 30, 2025:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:				
Cooperative Welfare (General)				
Fund	\$304,400	\$361,600		\$666,000
Cooperative Welfare (Federal)				
Fund	<u>493,900</u>	<u>2,234,300</u>	<u>\$10,345,700</u>	<u>13,073,900</u>
TOTAL	\$798,300	\$2,595,900	\$10,345,700	\$13,739,900

SECTION 2. CHILD CARE DEVELOPMENT BLOCK GRANT. To address the child care needs of Idaho's workforce, the Department of Health and Welfare is encouraged to pursue and implement innovative solutions and partnerships for maximizing the value of federal funds through the Child Care Development Block Grant program.

SECTION 3. In addition to the appropriation made in Section 1, Chapter 312, Laws of 2023, and any other appropriation provided by law, there is hereby appropriated to the Department of Health and Welfare for the Division of Welfare for the Self-Reliance Operations Program the following amounts to be expended for operating expenditures from the listed funds for the period July 1, 2023, through June 30, 2024:

FROM:	
Cooperative Welfare (General) Fund	\$423,900
Cooperative Welfare (Federal) Fund	<u>658,600</u>
TOTAL	\$1,082,500

SECTION 4. Notwithstanding any other provision of law to the contrary, the appropriation made to the Department of Health and Welfare for the Division of Welfare for the Self-Reliance Operations Program in Section 1, Chapter 312, Laws of 2023, is hereby reduced by the following amounts for personnel costs from the listed funds for the period July 1, 2023, through June 30, 2024:

FROM:

Cooperative Welfare (General) Fund	\$423,900
Cooperative Welfare (Federal) Fund	<u>658,600</u>
TOTAL	\$1,082,500

SECTION 5. In addition to the appropriation made in Section 1, Chapter 312, Laws of 2023, and any other appropriation provided by law, there is hereby appropriated to the Department of Health and Welfare for the Division of Welfare the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2023, through June 30, 2024:

	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. SELF-RELIANCE OPERATIONS:			
FROM:			
Cooperative Welfare (Federal)			
Fund	\$435,200		\$435,200
II. BENEFIT PAYMENTS:			
FROM:			
Cooperative Welfare (Federal)			
Fund		\$3,854,000	\$3,854,000
GRAND TOTAL	\$435,200	\$3,854,000	\$4,289,200

SECTION 6. An emergency existing therefor, which emergency is hereby declared to exist, Sections 3 through 5 of this act shall be in full force and effect on and after passage and approval, and Sections 1 and 2 of this act shall be in full force and effect on and after July 1, 2024.

Approved April 10, 2024

CHAPTER 329
(H.B. No. 770)

AN ACT

RELATING TO FUNDING OF THE IDAHO TRANSPORTATION DEPARTMENT; APPROPRIATING ADDITIONAL MONEYS TO THE IDAHO TRANSPORTATION DEPARTMENT FOR FISCAL YEAR 2025; REDUCING MONEYS TO THE IDAHO TRANSPORTATION DEPARTMENT FOR FISCAL YEAR 2025; AUTHORIZING ADDITIONAL FULL-TIME EQUIVALENT POSITIONS; PROVIDING REAPPROPRIATION AUTHORITY FOR THE CAPITAL FACILITIES PROGRAM; PROVIDING REAPPROPRIATION AUTHORITY FOR AIRPORT DEVELOPMENT GRANTS; PROVIDING REAPPROPRIATION AUTHORITY FOR THE CONTRACT CONSTRUCTION AND RIGHT-OF-WAY ACQUISITION DIVISION; REVOKING AUTHORITY FOR THE SALE OF CERTAIN PROPERTY AND PROVIDING FOR ITS REHABILITATION; PROVIDING FOR THE REHABILITATION OF THE DISTRICT 4 SHOSHONE HEADQUARTERS; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE STRATEGIC INITIATIVES PROGRAM (DEDICATED) FUND; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE STRATEGIC INITIATIVES PROGRAM (LOCAL) FUND; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE LOCAL HIGHWAY DISTRIBUTION FUND; PROVIDING DIRECTION ON THE LOCAL HIGHWAY DISTRIBUTION FUND; PROVIDING FOR AMERICAN RESCUE PLAN STATE AND LOCAL FISCAL RECOVERY FUND PROJECTS; PROVIDING FOR ALLOCATION OF FUNDS FOR SPECIFIC PROJECTS; PROVIDING FOR ACCOUNTABILITY REPORTS; AND DECLARING AN EMERGENCY AND PROVIDING EFFECTIVE DATES.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the Idaho Transportation Department the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2024, through June 30, 2025:

	FOR	FOR	FOR	FOR	
	PERSONNEL	OPERATING	CAPITAL	TRUSTEE AND	
	COSTS	EXPENDITURES	OUTLAY	BENEFIT	TOTAL
				PAYMENTS	
I. TRANSPORTATION SERVICES:					
A. ADMINISTRATION:					
FROM:					
State Highway (Dedicated)					
Fund	\$324,300	\$618,500	\$1,396,200		\$2,339,000
State Highway (Federal)					
Fund	<u>7,400</u>	<u>0</u>	<u>0</u>		<u>7,400</u>
TOTAL	\$331,700	\$618,500	\$1,396,200		\$2,346,400
B. CAPITAL FACILITIES:					
FROM:					
State Highway (Dedicated)					
Fund		\$32,500,000	\$15,500,000		\$48,000,000

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
C. AERONAUTICS:					
FROM:					
State Aeronautics (Dedicated)					
Fund	\$112,500	\$892,700	\$1,737,800		\$2,743,000
State Aeronautics (Billing)					
Fund	1,900				1,900
State Highway (Dedicated)					
Fund			21,000		21,000
State Aeronautics (Federal)					
Fund	<u>1,700</u>	<u>0</u>	<u>0</u>		<u>1,700</u>
TOTAL	\$116,100	\$892,700	\$1,758,800		\$2,767,600
DIVISION TOTAL	\$447,800	\$34,011,200	\$18,655,000		\$53,114,000
II. MOTOR VEHICLES:					
FROM:					
State Highway (Dedicated)					
Fund	\$201,600	\$52,300	\$1,463,700		\$1,717,600
III. HIGHWAY OPERATIONS:					
FROM:					
State Highway (Dedicated)					
Fund	\$5,527,700	\$1,024,700	\$53,058,000	\$5,000	\$59,615,400
State Highway (Local)					
Fund	3,800				3,800
State Highway (Federal)					
Fund	194,500	745,000			939,500
Federal COVID-19 Relief					
Fund	<u>0</u>	<u>0</u>	<u>0</u>	<u>5,000,000</u>	<u>5,000,000</u>
TOTAL	\$5,726,000	\$1,769,700	\$53,058,000	\$5,005,000	\$65,558,700
IV. CONTRACT CONSTRUCTION & RIGHT-OF-WAY ACQUISITION:					
FROM:					
State Highway (Local)					
Fund			1,200,300		1,200,300
Transportation Expansion and Congestion Mitigation					
Fund			26,918,600		26,918,600
Strategic Initiatives Program					
Fund			181,680,000		181,680,000
Strategic Initiatives Program - Local					
Fund				200,000,000	200,000,000

	FOR	FOR	FOR	FOR	
	PERSONNEL	OPERATING	CAPITAL	TRUSTEE AND	
	COSTS	EXPENDITURES	OUTLAY	BENEFIT	TOTAL
				PAYMENTS	
State Highway (Federal)					
Fund			62,589,100	0	62,589,100
TOTAL			\$272,388,000	\$200,000,000	\$472,388,000
GRAND TOTAL	\$6,375,400	\$35,833,200	\$345,564,700	\$205,005,000	\$592,778,300

SECTION 2. Notwithstanding any other provision of law to the contrary, the appropriation made to the Idaho Transportation Department for the Administration Program is hereby reduced by \$48,000 for operating expenditures from the State Highway (Federal) Fund for the period July 1, 2024, through June 30, 2025.

SECTION 3. FTP AUTHORIZATION. In addition to any other authorization provided by law, the full-time equivalent position authorization provided to the Idaho Transportation Department is hereby increased by fifty-three (53.00) for the period July 1, 2024, through June 30, 2025.

SECTION 4. REAPPROPRIATION AUTHORITY FOR THE CAPITAL FACILITIES PROGRAM. There is hereby reappropriated to the Idaho Transportation Department any unexpended and unencumbered balances appropriated to the Idaho Transportation Department from the State Aeronautics (Dedicated) Fund and the State Highway (Dedicated) Fund in the Capital Facilities Program for fiscal year 2024, to be used for nonrecurring expenditures in the Capital Facilities Program for the period July 1, 2024, through June 30, 2025. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 5. REAPPROPRIATION AUTHORITY FOR AIRPORT DEVELOPMENT GRANTS. There is hereby reappropriated to the Idaho Transportation Department any unexpended and unencumbered balances appropriated or reappropriated to the Idaho Transportation Department from the State Aeronautics (Dedicated) Fund as trustee and benefit payments for airport development grants for fiscal year 2024, to be used for nonrecurring expenditures for airport development grants for the period July 1, 2024, through June 30, 2025. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 6. REAPPROPRIATION AUTHORITY FOR THE CONTRACT CONSTRUCTION AND RIGHT-OF-WAY ACQUISITION DIVISION. There is hereby reappropriated to the Idaho Transportation Department any unexpended and unencumbered balances appropriated or reappropriated to the Idaho Transportation Department from the State Highway Fund, the Strategic Initiatives Program Fund, and the Transportation Expansion and Congestion Mitigation Fund for the Contract Construction and Right-of-Way Acquisition Division for fiscal year 2024, in a total amount not to exceed \$250,000,000 from the State Highway Fund, the Strategic Initiatives Program Fund, and/or the Transportation Expansion and Congestion Mitigation Fund, to be used for nonrecurring expenditures for the Contract Construction and Right-of-Way Acquisition Division for the period July 1, 2024, through June 30, 2025. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense

class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 7. STATE STREET PROPERTY. Notwithstanding any provision of law to the contrary, the authority of the Department of Administration to dispose of the state administrative facility and property at 3311 W State Street, Boise, Idaho 83703 is revoked. Notwithstanding any provision of law to the contrary, custody and control of the state administrative facility and property at 3311 W State Street, Boise, Idaho 83703 shall be transferred back to the Idaho Transportation Board. Of the amount appropriated in Section 1 of this act, \$32,500,000 shall be used for the purpose of rehabilitating the state administrative facility at 3311 W State Street, Boise, Idaho 83703. Funds designated under this section may be used only for the purpose identified in this section. This appropriation is contingent on custody and control of the state administrative facility and property at 3311 W State Street, Boise, Idaho 83703 returning to the Idaho Transportation Board.

SECTION 8. DISTRICT 4 SHOSHONE HEADQUARTERS. Of the \$15,500,000 appropriated for deferred maintenance in Section 1 of this act, a minimum of \$1,000,000 shall be used for the rehabilitation of the Shoshone District 4 headquarters. The Idaho Department of Transportation shall report progress by December 1, 2024, through a report to the Legislative Services Office Budget and Policy Analysis Division.

SECTION 9. CASH TRANSFER. There is hereby appropriated, and the Office of the State Controller shall transfer \$181,680,000 from the General Fund to the Strategic Initiatives Program (Dedicated) Fund as soon as practicable for the period July 1, 2024, through June 30, 2025.

SECTION 10. CASH TRANSFER. There is hereby appropriated, and the Office of the State Controller shall transfer \$200,000,000 from the General Fund to the Strategic Initiatives Program (Local) Fund as soon as practicable for the period July 1, 2024, through June 30, 2025.

SECTION 11. CASH TRANSFER. There is hereby appropriated, and the Office of the State Controller shall transfer \$121,120,000 from the General Fund to the Local Highway Distribution Fund as soon as practicable for the period July 1, 2024, through June 30, 2025.

SECTION 12. LOCAL HIGHWAY DISTRIBUTION FUND. The amount appropriated in Section 11 of this act shall be distributed in full with the first distribution from the Highway Distribution Account.

SECTION 13. AMERICAN RESCUE PLAN STATE AND LOCAL FISCAL RECOVERY FUND PROJECTS. The Legislature declares as obligated up to thirty percent of the American Rescue Plan Act (ARPA) State and Local Fiscal Recovery Fund (SLFRF) for eligible surface transportation projects and cost overruns on eligible projects. No later than December 31, 2024, the Division of Financial Management and the State Controller shall identify any balances that will be unspent by December 31, 2026, and shall transfer up to \$10,000,000 to the Local Highway Technical Assistance Council (LHTAC) to be used for pedestrian safety projects. Projects shall be identified by LHTAC and expensed consistent with United States Treasury regulations. LHTAC shall provide a report on the use of these funds to the Joint Finance-Appropriations Committee and the Legislative Services Office Budget and Policy Analysis Division no later than January 24, 2025. The Division of Financial Management shall identify any remaining ARPA SLFRF balances beyond this \$10,000,000 that will be unspent by December 31, 2026, and request appropriation for eligible surface transportation projects during the 2025 legislative session.

SECTION 14. ALLOCATION OF FUNDS FOR SPECIFIC PROJECTS. Notwithstanding any law to the contrary, and of the moneys appropriated in Section 11 of this act, and of the moneys distributed pursuant to section 40-709, Idaho Code, to any single countywide highway district formed pursuant to chapter 14, title 40, Idaho Code, at least \$7,000,000 shall be used to complete the design and construction of the Ustick Road widening project west of state highway 16 from Owyhee Storm Avenue to Can-Ada Road.

SECTION 15. ACCOUNTABILITY REPORTS. Funds specifically identified in statute or in an appropriation act as intended for a certain purpose may be used only for that purpose. All funds provided in this act shall be subject to accountability reports and management reviews in accordance with Section 67-702, Idaho Code.

SECTION 16. An emergency existing therefor, which emergency is hereby declared to exist, Section 7 of this act shall be in full force and effect on and after its passage and approval, and Sections 1 through 6 and 8 through 15 of this act shall be in full force and effect on and after July 1, 2024.

Law without signature.

CHAPTER 330
(H.B. No. 726)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF ADMINISTRATION; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR FISCAL YEAR 2025; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF ADMINISTRATION FOR FISCAL YEAR 2025; INCREASING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING FOR THE DISPOSAL OF CERTAIN PROPERTY; APPROPRIATING AND TRANSFERRING MONEYS FROM THE EMPLOYEE GROUP INSURANCE FUND TO THE ARPA STATE FISCAL RECOVERY FUND; DIRECTING REIMBURSEMENT OF COVID-19 MEDICAL COSTS; PROVIDING FOR PLAN STRUCTURE OF THE GROUP HEALTH INSURANCE PLAN; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the Department of Administration the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2024, through June 30, 2025:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. MANAGEMENT SERVICES:				
FROM:				
General				
Fund	\$3,600			\$3,600
Permanent Building				
Fund	2,100			2,100
Administration and Accounting Services				
Fund	8,000			8,000

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
Federal Surplus Property Revolving				
Fund	400			400
Employee Group Insurance				
Fund	1,300			1,300
Retained Risk				
Fund	600			600
Industrial Special Indemnity				
Fund	<u>400</u>			<u>400</u>
TOTAL	\$16,400			\$16,400
II. PUBLIC WORKS:				
FROM:				
Permanent Building				
Fund	\$307,600	\$22,500		\$330,100
Administration and Accounting Services				
Fund	<u>49,500</u>	<u>67,000</u>	<u>\$512,200</u>	<u>628,700</u>
TOTAL	\$357,100	\$89,500	\$512,200	\$958,800
III. PURCHASING:				
FROM:				
Administration and Accounting Services				
Fund	\$271,300	\$22,500		\$293,800
Federal Surplus Property Revolving				
Fund	<u>3,400</u>	<u>0</u>		<u>3,400</u>
TOTAL	\$274,700	\$22,500		\$297,200
IV. INSURANCE MANAGEMENT:				
FROM:				
Employee Group Insurance				
Fund	\$138,000	\$95,000		\$233,000
Retained Risk				
Fund	12,500			12,500
Industrial Special Indemnity				
Fund	<u>2,400</u>	<u>0</u>		<u>2,400</u>
TOTAL	\$152,900	\$95,000		\$247,900
V. DOCUMENT SERVICES:				
FROM:				
General				
Fund	\$11,700			\$11,700
Administration and Accounting Services				
Fund	5,900			5,900

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
ARPA State Fiscal Recovery				
Fund	0		\$1,054,200	1,054,200
TOTAL	\$17,600		\$1,054,200	\$1,071,800
GRAND TOTAL	\$818,700	\$207,000	\$1,566,400	\$2,592,100

SECTION 2. Notwithstanding any other provision of law to the contrary, the appropriation made to the Department of Administration in the Division of Public Works is hereby reduced by \$240,000 for operating expenditures from the Administration and Accounting Services Fund for the period July 1, 2024, through June 30, 2025.

SECTION 3. FTP AUTHORIZATION. In addition to any other authorization provided by law, the full-time equivalent position authorization provided to the Department of Administration is hereby increased by eight (8.00) for the period July 1, 2024, through June 30, 2025.

SECTION 4. DISPOSAL OF PROPERTY. Notwithstanding any other provision of law to the contrary, the authority of the Department of Administration to dispose of the state administrative facility and property at 3311 W State Street, Boise, Idaho, 83703 is revoked. Notwithstanding any other provision of law to the contrary, custody and control of the state administrative facility and property at 3311 W State Street, Boise, Idaho, 83703 shall be transferred to the Idaho Transportation Board.

SECTION 5. CASH TRANSFER. There is hereby appropriated and the Office of the State Controller shall transfer \$21,054,200 from the Employee Group Insurance Fund to the ARPA State Fiscal Recovery Fund on July 1, 2024, or as soon thereafter as practicable.

SECTION 6. REIMBURSEMENT OF COVID-19 MEDICAL COSTS. Of any remaining balance in the Employee Group Insurance Fund previously transferred from the State Fiscal Recovery Fund as of no later than June 30, 2025, there is hereby obligated and the Department of Administration in the Insurance Management Program for fiscal year 2025 shall expend up to \$2,000,000 for the purpose of reimbursing the GemPlan for medical expenses incurred due to COVID-19 and up to \$414,000 for the purpose of reimbursing III-A for medical expenses incurred due to COVID-19.

SECTION 7. PLAN STRUCTURE. The Office of Group Insurance shall maintain the current health insurance plan structure and benefit package for state employees. Adherence with the plan structure shall not preclude the Office of Group Insurance from implementing positive plan changes as identified.

SECTION 8. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Law without signature.

HOUSE JOINT RESOLUTIONS

(H. J. R. No. 5)

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO SECTION 2, ARTICLE VI OF THE CONSTITUTION OF THE STATE OF IDAHO, RELATING TO QUALIFICATIONS OF ELECTORS, TO PROVIDE THAT INDIVIDUALS WHO ARE NOT UNITED STATES CITIZENS MAY NOT BE QUALIFIED ELECTORS IN ANY ELECTION WITHIN THE STATE OF IDAHO; STATING THE QUESTION TO BE SUBMITTED TO THE ELECTORATE; DIRECTING THE LEGISLATIVE COUNCIL TO PREPARE THE STATEMENTS REQUIRED BY LAW; AND DIRECTING THE SECRETARY OF STATE TO PUBLISH THE AMENDMENT AND ARGUMENTS AS REQUIRED BY LAW.

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

SECTION 1. That Section 2, Article VI of the Constitution of the State of Idaho be amended to read as follows:

Section 2. QUALIFICATIONS OF ELECTORS. Every male or female citizen of the United States, eighteen years old, who has resided in this state, and in the county where he or she offers to vote for the period provided by law, if registered as provided by law, is a qualified elector. No person who is not a citizen of the United States shall be a qualified elector in any election held within the state of Idaho.

SECTION 2. The question to be submitted to the electors of the State of Idaho at the next general election shall be as follows:

"Shall Section 2, Article VI of the Constitution of the State of Idaho be amended to provide that individuals who are not citizens of the United States may not be qualified electors in any election held within the state of Idaho?"

SECTION 3. The Legislative Council is directed to prepare the statements required by Section 67-453, Idaho Code, and file the same.

SECTION 4. The Secretary of State is hereby directed to publish this proposed constitutional amendment and arguments as required by law.

Adopted by the House March 11, 2024

Adopted by the Senate March 25, 2024

SENATE JOINT MEMORIALS

(S.J.M. No. 102)

A JOINT MEMORIAL

TO THE PRESIDENT OF THE UNITED STATES, THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the Second Regular Session of the Sixty-seventh Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the federal government of the United States is vested with the responsibility and authority to establish terms of naturalization, to prevent illegal immigration, and to otherwise establish, regulate, and enforce the terms and conditions upon which aliens may enter the United States from foreign places and upon which they may remain in the United States, what activities aliens may engage in while present in the United States, terms of permanent residency, and the granting of citizenship, in addition to control of the United States border; and

WHEREAS, the Congress and President of the United States have failed to fulfill their constitutional responsibility as it pertains to immigration law and policy, have failed to provide a secure border, have failed to consistently and uniformly enforce existing immigration law, and have failed to provide a robust and efficient system for entry of guest workers to the United States capable of meeting the labor demands of United States businesses; and

WHEREAS, as a result of these failures of the federal government to prevent illegal immigration, tremendous challenges are placed upon state and local governments to provide for the general health and welfare of all persons within their jurisdictions, whether that relates to education, enforcement of state and local law, health care, highway safety, and more; and

WHEREAS, as a further result of these failures of the federal government to prevent illegal immigration, the security of the United States and of the several states, including Idaho, is threatened and harmed by the unavailability of lawful labor needed to harvest, process, and transport the domestic food supply, to extract mineral, gas, oil, and timber resources, to build homes, businesses and highways, and to provide other basic life necessities, the lack of which leads to increased dependence on foreign production and threatens our national security; and

WHEREAS, as a further result of these failures of the federal government to prevent illegal immigration, the security of the United States and of the several states, including Idaho, is threatened and harmed by unlawful entry

to the United States of those who seek to cause us harm, human traffickers, and drug traffickers; and

WHEREAS, the Department of Homeland Security estimates that there are approximately 11.4 million people present in the United States without lawful status, and data from the Census of Agriculture indicates that approximately 2.4 million of them are employed in agriculture; and

WHEREAS, data indicates that in the year 2021 approximately 7.8 million unauthorized immigrants were working in the United States performing labor-intensive jobs in agriculture, construction, food processing, hospitality, and other industries that are critical to economic prosperity; and

WHEREAS, the United States is facing a tremendous labor shortage despite the contribution to the workforce from unauthorized immigrants, and current data suggests that there are 1.7 million more jobs available in the United States than there are unemployed workers; and

WHEREAS, it is incumbent upon the Congress and President of the United States to strengthen our national security and the security of the several states, including Idaho, by adopting targeted, common sense, business-focused, market-driven immigration reform, which at its core must include the following in concert:

(1) An effective system of external and internal security at and within the borders of the United States that excludes from entry people who do not have lawful permission to enter the United States and that incorporates modern technology to prevent, deter, detect, and detain those who seek to enter the United States by unlawful means; and

(2) An effective guest worker program that meets the labor needs and demands of year-round agriculture, construction, hospitality, food processing, manufacturing, technology, and other market sectors, and in particular allows cyclical worker visas of adequate length to meet the labor demands of Idaho agriculture and business; and

(3) Not granting amnesty to those currently in the United States without legal status; and

WHEREAS, targeted immigration reform is of vital necessity to the citizens and businesses of the State of Idaho, and as such it is incumbent upon the congressional delegation representing the State of Idaho in the Congress of the United States to be outspoken and fervent leaders and continue to be advocates for immigration reform consistent with the principles set forth in this Joint Memorial.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-seventh Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Idaho Legislature requests and calls upon the President of the United States and the Senate and the House of Representatives of the United States to take action with all deliberate speed to adopt and implement targeted immigration reform in a manner consistent with the principles set forth in this Joint Memorial.

BE IT FURTHER RESOLVED that the congressional delegation representing the State of Idaho in the Congress of the United States is requested and called upon to take action with all deliberate speed to advocate for and introduce federal legislation implementing targeted immigration reform in a manner consistent with the principles set forth in this Joint Memorial.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Joint Memorial to the President of the United States, the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

Adopted by the Senate February 20, 2024

Adopted by the House March 28, 2024

(S.J.M. No. 103)

A JOINT MEMORIAL

TO THE PRESIDENT OF THE UNITED STATES, THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the Second Regular Session of the Sixty-seventh Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the Legislature of the State of Idaho recognizes the Columbia-Snake River and its tributaries are a multiuse system providing navigation, transportation, fish and wildlife habitat, recreation, hydropower generation, and irrigation to the citizens, municipalities, and industry of the Pacific Northwest; and

WHEREAS, the Columbia-Snake River System and its tributaries are a vital part of the state's economic well-being and the quality of life of its citizens; and

WHEREAS, the State of Idaho asserts and confirms sovereign control over all water resources within the state; and

WHEREAS, the decline of anadromous fish is due to many factors, including increased predation, unfavorable ocean conditions, and harvest; and

WHEREAS, due to the efforts of the state, the Nez Perce Tribe, and Idaho water users in entering into the 2004 Snake River Water Rights Agreement, up to 487,000 acre feet of Idaho's water is used for flow augmentation for salmon and steelhead in the lower Snake and Columbia Rivers, with water being released through a willing buyer, willing seller arrangement. The 2004 agreement provides protections to Idaho in the form of a 30-year biological opinion; and

WHEREAS, agricultural and industrial applications of water have a legal priority within the state; and

WHEREAS, the Port of Lewiston, Idaho's only seaport, is part of the collective Columbia-Snake River System and is an asset to the state and to the inland Northwest region, providing global competitiveness and connectivity for regional products, economic development investment, and multimodal transportation; and

WHEREAS, the Columbia-Snake River System is a top wheat export gateway in the United States, with approximately ten percent of all United States wheat exports barged through the four dams on the Snake River and about fifty percent of all Idaho-grown wheat barged from Lewiston to Portland and then to export markets around the world; and

WHEREAS, barging is the most fuel-efficient, environmentally friendly mode of transportation; and

WHEREAS, hydropower is the most efficient, environmentally favorable form of electrical generation, with the combined lower four Snake River dams producing 1,000 megawatts of carbon-free, renewable energy annually and 3,000 megawatts for peak power emergencies and providing electricity to 22 rural Idaho utilities serving more than 140,000 Idahoans; and

WHEREAS, the recent agreement between the United States government and certain plaintiffs to the ongoing Columbia-Snake River litigation was developed without adequate Idaho stakeholder input; and

WHEREAS, the agreement attempts to create a pathway to removing the four lower Snake River dams, despite Congress having the sole authority to remove dams; and

WHEREAS, the Public Power Council's assessment of the proposed agreement shows major cost risk and uncertainty for Northwest communities and

businesses with potentially significant rate increases of five to forty percent or more if the agreement is implemented; and

WHEREAS, the Legislature of the State of Idaho opposes any actions to degrade the functionality, in whole or in part, to remove or breach any dams on the Columbia-Snake River System or its tributaries, or to take water from the state for anadromous fish enhancement efforts. Such actions would inflict on Idaho citizens a loss in economic and trade opportunities, a loss of recharge waters for the state's aquifers, a loss of navigation and transportation, an increase in electrical rates, a shortfall in power generation, a loss of recreational opportunities, and a threatened quality of life.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-seventh Idaho Legislature, the Senate and the House of Representatives concurring therein, that Idaho opposes the removal or breaching of the dams on the Columbia-Snake River System and its tributaries, has sovereignty over its water resources, prohibits contributions of water from Idaho's reservoirs for flow augmentation except those expressly authorized by state law, contends that efforts for further recovery of anadromous fish must be science-based, and supports the maintenance and multiple-use benefits of the Columbia-Snake River System. Additionally, the Idaho Legislature recognizes and supports the international competitiveness, multimodal transportation, and economic development benefits provided by the Port of Lewiston.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, the President of the Senate and the Speaker of the House of Representatives of Congress, and to the congressional delegation representing the State of Idaho in the Congress of the United States.

Adopted by the Senate February 26, 2024

Adopted by the House March 21, 2024

(S.J.M. No. 104)

A JOINT MEMORIAL

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the Second Regular Session of the Sixty-seventh Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the United States Congress has before it the Hearing Protection Act; and

WHEREAS, the Hearing Protection Act will reclassify suppressors to regulate them like a regular firearm; and

WHEREAS, the Act would benefit Idaho's recreational gun users and provide them better access to hearing protection equipment; and

WHEREAS, Idaho's Senator Jim Risch supports the Act and has commented that: "Idaho's sportsmen and women want to safely and legally enjoy recreational activities such as hunting and target shooting, but burdensome government regulations unfairly restrict access to suppressors. The Hearing Protection Act will reclassify suppressors to allow Idaho's law-abiding gun owners to more easily protect their hearing and enjoy this pastime"; and

WHEREAS, Senator Mike Crapo has been the chief sponsor of the Hearing Protection Act since 2017 and Congressman Russ Fulcher is one of 52 original cosponsors of the Act in Congress; and

WHEREAS, suppressors are safety tools that reduce the sound of gunfire to a level that will not cause instant and permanent hearing loss. Suppressors enable more accurate marksmanship and allow shooting ranges to be better neighbors; and

WHEREAS, suppressor restrictions from the 1930s put the hearing health of gun owners at risk; and

WHEREAS, under current law, suppressors are regulated as heavily as machine guns under the prohibition-era National Firearms Act (NFA) of 1934. Any NFA firearm or suppressor carries a mandatory \$200 tax, for which a stamp is issued proving the payment of that tax once the application is approved. It is not uncommon to have to wait up to 270 days for the paperwork to be processed; and

WHEREAS, removing suppressors from the NFA would not pose a threat to public safety. It would reduce the Bureau of Alcohol, Tobacco and Firearms' workload and allow the agency to direct more resources to reducing violent crime, rather than processing paperwork.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-seventh Idaho Legislature, the Senate and the House of Representatives concurring therein, that we urge the United States Congress to pass the Hearing Protection Act.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress and to the congressional delegation representing the State of Idaho in the Congress of the United States.

Adopted by the Senate February 27, 2024

Adopted by the House April 2, 2024

SENATE CONCURRENT RESOLUTIONS

(S.C.R. No. 111)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE STATE BOARD OF EDUCATION TO INVESTIGATE OPPORTUNITIES AND COMMENCE PRELIMINARY CONVERSATIONS WITH THE STATE OF UTAH TO ESTABLISH AN OPERATING AGREEMENT FOR IDAHO STUDENTS TO PARTICIPATE IN UTAH'S VETERINARY PROGRAM SIMILAR TO THE EXISTING PROGRAM WITH WASHINGTON STATE UNIVERSITY.

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

WHEREAS, the Idaho Legislature recognizes the value of the livestock industries to the state's economy, communities, and families; and

WHEREAS, the combined revenues of the largest sectors of the state's livestock industry exceeds 6.4 billion dollars, with an even larger overall economic impact throughout the state; and

WHEREAS, many of the supporting sectors and other crop commodities that are produced in the state go to serve the needs of the state's livestock industry; and

WHEREAS, the need and availability of animal care professionals and veterinarian services remain a top concern for the animal agricultural industry in the state; and

WHEREAS, the lack of available livestock veterinary services in the state's most rural areas is also of significant concern; and

WHEREAS, the state of Idaho does not have a veterinarian school; and

WHEREAS, the state of Idaho already has an operating agreement with Washington State University to allow Idaho students to participate in its veterinary training program; and

WHEREAS, the state of Utah will soon open its new veterinary medicine school at Utah State University to start training students; and

WHEREAS, the University of Idaho, College of Agriculture and Life Sciences held a workgroup made up of industry representatives, university professionals, and state leaders to research the needs of the livestock industry in the state and the opportunities that the state might pursue to help address the needs for trained veterinarians in the state; and

WHEREAS, the possibility of pursuing an interstate veterinary training program with the state of Utah was one of the items identified by the workgroup as a possible consideration.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-seventh Idaho Legislature, the Senate and the House of Representatives concurring therein, that we authorize the State Board of Education to investigate opportunities and commence preliminary conversations with the state of Utah to establish an operating agreement for Idaho students to participate in Utah's veterinary program similar to the existing program with Washington State University.

BE IT FURTHER RESOLVED that the State Board of Education report back to the Legislature their findings and outcomes from the conversations with the state of Utah and Utah State University.

Adopted by the Senate February 8, 2024

Adopted by the House March 21, 2024

(S.C.R. No. 113)

A CONCURRENT RESOLUTION
STATING FINDINGS OF THE LEGISLATURE AND DECLARING SUPPORT FOR THE DEVELOPMENT OF CLEAN AND SAFE NUCLEAR ADVANCED ENERGY TECHNOLOGIES.

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

WHEREAS, Idaho has a long history with nuclear energy research and is home of the first community powered by nuclear energy; and

WHEREAS, Idaho's legacy in nuclear power innovation has positioned the state and our communities to lead the world in achieving energy independence; and

WHEREAS, the development of advanced energy is a key component of long-term planning for Idaho communities that balances economic growth with responsible stewardship of natural resources; and

WHEREAS, it is vital to Idaho's future that our communities invest in long-term strategies for energy creation, as well as promote technological leadership and enhance national security; and

WHEREAS, the Idaho Legislature recognizes the newly created Idaho Advanced Energy Consortium (IAEC) and its regional commitment to advancing nuclear and clean energy with its related projects in Idaho and Wyoming; and

WHEREAS, IAEC seeks to be a technology innovation hub and lead the world in next-generation clean energy generation; and

WHEREAS, the Idaho National Laboratory, along with IAEC, is working with industry and world leaders to produce and support advanced energy technologies needed for a sustainable, safe, secure, and efficient energy future; and

WHEREAS, the development of advanced energy can support our rural communities through economic development and diversification efforts, infrastructure investment, and workforce training and development; and

WHEREAS, the Idaho Legislature supports efforts to improve safety, licensing, and regulation processes for nuclear reactors while deploying the next generation of advanced reactors to support an ever-increasing demand for clean, safe energy production; and

WHEREAS, the Idaho Legislature recommends that the United States Nuclear Regulatory Commission (NRC) utilize decades of experience to streamline processes associated with licensing, siting, construction, and oversight of advanced nuclear reactor technologies while maintaining a high level of safety; and

WHEREAS, the Idaho Legislature supports efforts and policies that provide tools and resources to obtain or deliver affordable, reliable energy for our citizens, communities, businesses, and industries; and

WHEREAS, advanced energy is part of a diversified energy portfolio that eliminates energy dependence on foreign entities.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-seventh Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Legislature declares that domestic energy production is a national security issue and supports advanced energy research, while also supporting reforms to the process for new research and reactor licensing. The Legislature urges all citizens to recognize the importance of advanced energy to the state and to national security, the economy, and the environment.

Adopted by the Senate February 26, 2024

Adopted by the House March 21, 2024

(S.C.R. No. 116)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES AND DECLARING THE IMPORTANCE OF CIVICS EDUCATION AND TEACHING RESPONSIBLE CITIZENSHIP IN IDAHO PUBLIC SCHOOLS.

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

WHEREAS, a republican form of government depends on an informed and engaged citizenry; and

WHEREAS, civics education equips students with the knowledge and skills to be capable of self-government at the local, state, and national level; and

WHEREAS, declining history and civics scores for students across the country are worrisome for the future of our republic; and

WHEREAS, there is an urgent need for American history, social studies, and civics curriculum that fosters an understanding of American values and provides a factual history of our nation; and

WHEREAS, a strong social studies and civics curriculum offers valuable opportunities to integrate civic education and promote responsible American citizenship; and

WHEREAS, it is necessary to ensure the state's standards and curriculum align with our Idaho values of embracing patriotism and pride about the success of this great country.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-seventh Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Idaho Department of Education, through its social standards review process and work promoting the adoption of high-quality, supplementary curriculum at the local level, is hereby encouraged to:

1. Promote the importance of the history of western civilization, civics education, and responsible citizenship within applicable social studies, government, and U.S. history courses. Such promotion includes but is not limited to highlighting the origin of the country and the founding principles within American government, including the U.S. Constitution, individual rights, the separation of powers, and federalism; and
2. Emphasize the importance of civil discourse and responsible participation in civic life, including voting, volunteering, and community service, along with the critical skill of thinking independently.

BE IT FURTHER RESOLVED that the Legislature acknowledges the vital role of civics education in preparing students to be informed, engaged, and responsible citizens and expresses its commitment to supporting the Idaho Department of Education in its efforts to enhance civics education opportunities for all Idaho students.

Adopted by the Senate February 26, 2024

Adopted by the House March 21, 2024

(S.C.R. No. 117)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE, HONORING THE DISTINGUISHED SERVICE OF LIEUTENANT GENERAL ERIK PETERSON, AND DECLARING LIEUTENANT GENERAL ERIK PETERSON DAY ON MARCH 31, 2024.

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

WHEREAS, Erik Peterson, son of Jack and Rose-Mary Peterson, moved to Idaho at a young age and attended Taft, Saint Mary's, and Saint Joseph's schools in Boise and Meridian High School; and

WHEREAS, Erik Peterson chose to attend the University of Idaho's College of Mines and Earth Resources to study under Dr. Maynard Miller, his friend and mentor from the Juneau Icefield Research Program. While studying there, he also served as a resident advisor and resident advisor supervisor. Following his father's example of service in the United States Marine Corps, both of his parents' service in the Peace Corps, and his stepmother Faith's service as a nurse practitioner caring for underserved citizens, he chose to join the University of Idaho's Chrisman Battalion of the Army Reserve Officers' Training Corps (ROTC); and

WHEREAS, Erik Peterson received Bachelor of Science degrees in both Geography and Cartography from the University of Idaho's College of Mines and Earth Resources in 1986; and

WHEREAS, he received his Army commission in 1986 as a Distinguished Military Graduate of the University of Idaho's Chrisman Battalion of the Army ROTC program, was assigned to the Aviation Branch, and completed flight school in 1987; and

WHEREAS, additional educational achievements by Erik Peterson include Master's degrees in Business Administration and National Security Strategy. He continued his professional military education with the Aviation Warrant Officer Advanced Course, Combined Arms and Services Staff School, Command and General Staff College, and the National War College; and

WHEREAS, his key command and leadership assignments include four tours with the 160th Special Operations Aviation Regiment (Airborne), Director of the Flight Concepts Division, Fort Eustis, VA; Brigade Commander, 10th Combat Aviation Brigade and the Chief of Staff, 10th Mountain Division (Light Infantry), Fort Drum, NY; Deputy Commanding General, United States Army Cadet Command, Fort Knox, KY; Commanding General of United States Army Special Operations Aviation Command (Airborne), Fort Bragg, NC; Director of Army Aviation on the Army staff at the Pentagon; Commanding General of Division West of First United States Army, Fort Hood, TX, which consists of five brigades and two mobilization sites arrayed across the country; the Director of Force Development, in G-8, where he served as the principal advisor to the Deputy Chief of Staff, G-8; the Vice Chief of Staff, Army; and the Chief of Staff, Army, on all Army-wide equipping programs and resources; and

WHEREAS, Lieutenant General Erik Peterson served in numerous combat and contingency deployments to Central America, the Caribbean, Africa, Asia, and the Middle East, including Operation Desert Shield, Operation Desert Storm, Operation Uphold Democracy, and numerous deployments for both Operation Enduring Freedom and Operation Inherent Resolve; and

WHEREAS, his military awards and decorations include three Distinguished Service Medals, four Legions of Merit, six Bronze Star Medals, five Meritorious Service Medals, five Air Medals with valor device, the NATO Meritorious Service Medal, the Combat Action Badge, the Master Army Aviator Badge, the Master Parachutist Badge, and the Air Assault Badge. His foreign military awards include the Kuwait Liberation Medal (Government of Kuwait), the Kuwait Liberation Medal (Kingdom of Saudi Arabia), the Order of National Security Merit Cheonsu Medal (Republic of Korea), the Australian Parachutist Badge, an honorary Republic of Korea Master Aviator Badge, and an honorary Swedish Parachutist Badge; and

WHEREAS, Lieutenant General Erik Peterson was the first recipient of the United States Committee of the Blue Shield's Award for Meritorious Military Service in Protection of Cultural Property (2014); was inducted into the United States Army ROTC Hall of Fame (2016); received an honorary Ph.D. from the University of Idaho (2018); and was inducted into the University of Idaho Alumni Hall of Fame (2022); and

WHEREAS, Lieutenant General Erik Peterson became the Deputy Chief of Staff, G-8, on June 2, 2021, and will retire from his distinguished military career on March 31, 2024, after 38 years of service to his nation; and

WHEREAS, Lieutenant General Erik Peterson is retiring as the highest ranking United States Army Officer in the history of the University of Idaho and the State of Idaho, bringing honor to our state and nation.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-seventh Idaho Legislature, the Senate and the House of Representatives concurring therein, that the State of Idaho recognizes the outstanding contributions that Lieutenant General Erik Peterson has made to the people of Idaho and the nation through his distinguished military service and commitment to the defense of our nation.

BE IT FURTHER RESOLVED that the Idaho Legislature declares Lieutenant General Erik Peterson's retirement date of March 31, 2024, as "Lieutenant General Erik Peterson Day" in honor of his extraordinary leadership to the Department of the Army and Department of Defense in protecting our nation's freedoms.

Adopted by the Senate February 26, 2024

Adopted by the House March 18, 2024

(S.C.R. No. 119)

A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS AND APPROVING PENDING RULES OF THE IDAHO TRANSPORTATION DEPARTMENT REVIEWED BY THE SENATE TRANSPORTATION COMMITTEE.

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

WHEREAS, pursuant to Section 67-5291, Idaho Code, the Legislature must approve pending administrative rules by adoption of a concurrent resolution; and

WHEREAS, pursuant to the provisions of Section 67-5291, Idaho Code, any pending rule that is not approved by adoption of a concurrent resolution shall expire upon adjournment sine die of the legislative session during which the agency submits the pending rule to the legislature for review; and

WHEREAS, the Senate Transportation Committee reviewed pending rules adopted by the Idaho Transportation Department; and

WHEREAS, the Legislature finds that it is in the public interest to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-seventh Idaho Legislature, the Senate and the House of Representatives concurring therein, that the following pending rules adopted by the Idaho Transportation Department, pursuant to the Administrative Procedure Act and submitted through the Office of the Administrative Rules Coordinator to the Legislature for review during the 2024 legislative session and reviewed by the Senate Transportation Committee, be, and the same are hereby approved: 39.03.48, Rules Governing Routes Exempt From Local Plans and Ordinances, Docket No. 39-0348-2301.

Adopted by the Senate March 15, 2024

Adopted by the House March 21, 2024

(S.C.R. No. 120)

A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS AND APPROVING PENDING RULES OF THE IDAHO STATE POLICE AND IDAHO TRANSPORTATION DEPARTMENT REVIEWED BY THE SENATE TRANSPORTATION COMMITTEE AND THE HOUSE TRANSPORTATION AND DEFENSE COMMITTEE WITH AN EXCEPTION.

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

WHEREAS, pursuant to Section 67-5291, Idaho Code, the Legislature must approve pending administrative rules by adoption of a concurrent resolution; and

WHEREAS, pursuant to the provisions of Section 67-5291, Idaho Code, any pending rule that is not approved by adoption of a concurrent resolution shall expire upon adjournment sine die of the legislative session during which the agency submits the pending rule to the Legislature for review; and

WHEREAS, the Senate Transportation Committee and the House Transportation and Defense Committee reviewed pending rules adopted by the Idaho State Police and the Idaho Transportation Department; and

WHEREAS, it is the finding of the Legislature that rules of the Idaho State Police, the Motor Carrier Rules, are not consistent with legislative intent because it is a critical exemption for motor carriers that needs to remain in place; and

WHEREAS, the Legislature finds that it is in the public interest to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-seventh Idaho Legislature, the Senate and the House of Representatives concurring therein, that the following pending rules adopted by the Idaho Transportation Department, pursuant to the Administrative Procedure Act and submitted through the Office of the Administrative Rules Coordinator to the Legislature for review during the 2024 legislative session and reviewed by the Senate Transportation Committee and the House Transportation and Defense Committee, be, and the same are hereby approved:

- (1) 39.02.04, Rules Governing Manufacturer and New Vehicle Dealer Hearing Fees, Docket No. 39-0204-2301;
- (2) 39.02.22, Rules Governing Registration and Permit Fee Administration and Temporary Vehicle Clearance for Carriers, Docket No. 39-0222-2301;
- (3) 39.02.42, Rules Governing Conditional Vehicle Registration When Proof of Ownership is Insufficient, Docket No. 39-0242-2301;
- (4) 39.02.46, Rules Governing Temporary Motor Vehicle Registration Permit, Docket No. 39-0246-2301;
- (5) 39.02.60, Rules Governing License Plate Provisions, Docket No. 39-0260-2301;
- (6) 39.02.76, Rules Governing Driver's License and Identification Card Renewal-By-Mail and Electronic Renewal and Replacement Processes, Docket No. 39-0276-2301;
- (7) 39.03.01, Rules Governing Definitions Regarding Special Permits, Docket No. 39-0301-2301;
- (8) 39.03.02, Rules Governing Movement of Disabled Vehicles, Docket No. 39-0302-2301;
- (9) 39.03.03, Rules Governing Special Permits - General Conditions and Requirements, Docket No. 39-0303-2301;
- (10) 39.03.04, Rules Governing Special Permits - Overweight Non-Reducible, Docket No. 39-0304-2301;
- (11) 39.03.05, Rules Governing Special Permits - Oversize Non-Reducible, Docket No. 39-0305-2301;
- (12) 39.03.06, Rules Governing Special Permits for Extra-Length / Excess Weight, Up to 129,000 Pound Vehicle Combinations, Docket No. 39-0306-2301;
- (13) 39.03.07, Rules Governing Special Permits for Reducible Loads, Docket No. 39-0307-2301;
- (14) 39.03.08, Rules Governing Self-Propelled Snowplows, Docket No. 39-0308-2301;
- (15) 39.03.40, Rules Governing Junkyards and Dumps, Docket No. 39-0340-2301;
- (16) 39.03.42, Rules Governing Highway Right-of-Way Encroachments on State Rights-of-Way, Docket No. 39-0342-2301;
- (17) 39.03.50, Rules Governing Safety Rest Areas, Docket No. 39-0350-2301; and
- (18) 39.04.01, Rules Governing Aeronautics and Aviation, Docket No. 39-0401-2301.

BE IT FURTHER RESOLVED that pending rules adopted by the Idaho State Police, pursuant to the Administrative Procedure Act and submitted through the Office of the Administrative Rules Coordinator to the Legislature for review during the 2024 legislative session and reviewed by the Senate Transportation Committee and the House Transportation and Defense Committee, be, and the same are hereby approved, with the exception of, the Motor Carrier Rules, IDAPA 11.13.01, Docket No. 11-1301-2301, Section 019., Subsection 01.b., only, is hereby rejected and not approved, and thereby pursuant to Section 67-5291, Idaho Code, shall expire upon adjournment sine die of the legislative session and be null, void, and of no force and effect.

Adopted by the Senate March 15, 2024

Adopted by the House March 21, 2024

(S.C.R. No. 121)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND APPROVING PENDING RULES OF THE STATE BOARD OF EDUCATION AND THE STATE BOARD OF CAREER TECHNICAL EDUCATION REVIEWED BY THE SENATE EDUCATION COMMITTEE AND THE HOUSE EDUCATION COMMITTEE.

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

WHEREAS, pursuant to Section 67-5291, Idaho Code, the Legislature must approve pending administrative rules by adoption of a concurrent resolution; and

WHEREAS, pursuant to the provisions of Section 67-5291, Idaho Code, any pending rule that is not approved by adoption of a concurrent resolution shall expire upon adjournment sine die of the legislative session during which the agency submits the pending rule to the Legislature for review; and

WHEREAS, the Senate Education Committee and the House Education Committee reviewed pending rules adopted by the State Board of Education and the State Board of Career Technical Education; and

WHEREAS, the Legislature finds that it is in the public interest to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-seventh Idaho Legislature, the Senate and the House of Representatives concurring therein, that the following pending rules adopted by the State Board of Education and the State Board of Career Technical Education, pursuant to the Administrative Procedure Act and submitted through the Office of the Administrative Rules Coordinator to the Legislature for review during the 2024 legislative session and reviewed by the Senate Education Committee and the House Education Committee, be, and the same are hereby approved:

- (1) 08.01.02, Rules Governing the Postsecondary Credit Scholarship Program, Docket No. 08-0102-2301;
- (2) 08.01.13, Rules Governing the Opportunity Scholarship Program, Docket No. 08-0113-2302;
- (3) 08.02.03, Rules Governing Thoroughness, Docket No. 08-0203-2301;
- (4) 55.01.03, Rules of Career Technical Schools, Docket No. 55-0103-2301; and
- (5) 55.01.04, Rules Governing Idaho Quality Program Standards Incentive Grants and Agricultural Education Program Start-Up Grants, Docket No. 55-0104-2301.

Adopted by the Senate March 15, 2024

Adopted by the House March 21, 2024

(S.C.R. No. 124)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND APPROVING PENDING RULES OF THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES REVIEWED BY THE SENATE HEALTH AND WELFARE COMMITTEE AND THE HOUSE ENVIRONMENT, ENERGY, AND TECHNOLOGY COMMITTEE.

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

WHEREAS, pursuant to Section 67-5291, Idaho Code, the Legislature must approve pending administrative rules by adoption of a concurrent resolution; and

WHEREAS, pursuant to the provisions of Section 67-5291, Idaho Code, any pending rule that is not approved by adoption of a concurrent resolution shall expire upon adjournment sine die of the legislative session during which the agency submits the pending rule to the Legislature for review; and

WHEREAS, the Senate Health and Welfare Committee and the House Environment, Energy, and Technology Committee reviewed pending rules adopted by the Division of Occupational and Professional Licenses, Rules of the Board of Drinking Water and Wastewater Professionals; and

WHEREAS, the Legislature finds that it is in the public interest to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-seventh Idaho Legislature, the Senate and the House of Representatives concurring therein, that the pending rules adopted by the Division of Occupational and Professional Licenses, Rules of the Board of Drinking Water and Wastewater Professionals, pursuant to the Administrative Procedure Act and submitted through the Office of the Administrative Rules Coordinator to the Legislature for review during the 2024 legislative session and reviewed by the Senate Health and Welfare Committee and the House Environment, Energy, and Technology Committee, be, and the same are hereby approved.

Adopted by the Senate March 15, 2024

Adopted by the House March 21, 2024

(S.C.R. No. 125)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND APPROVING PENDING RULES OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY REVIEWED BY THE SENATE RESOURCES AND ENVIRONMENT COMMITTEE.

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

WHEREAS, pursuant to Section 67-5291, Idaho Code, the Legislature must approve pending administrative rules by adoption of a concurrent resolution; and

WHEREAS, pursuant to the provisions of Section 67-5291, Idaho Code, any pending rule that is not approved by adoption of a concurrent resolution shall expire upon adjournment sine die of the legislative session during which the agency submits the pending rule to the Legislature for review; and

WHEREAS, the Senate Resources and Environment Committee reviewed pending rules adopted by the Department of Environmental Quality; and

WHEREAS, the Legislature finds that it is in the public interest to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-seventh Idaho Legislature, the Senate and the House of Representatives concurring therein, that the following pending rules adopted by the Department of Environmental Quality, pursuant to the Administrative Procedure Act and submitted through the Office of the Administrative Rules Coordinator to the Legislature for review during the 2024 legislative session and reviewed by the Senate Resources and Environment Committee, be, and the same are hereby approved: 58.01.25, Rules Regulating the Idaho Pollutant Discharge Elimination System Program, Docket No. 58-0125-2301.

Adopted by the Senate March 25, 2024

Adopted by the House March 26, 2024

(S.C.R. No. 126)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND APPROVING PENDING RULES OF THE IDAHO DEPARTMENT OF FISH AND GAME, THE IDAHO DEPARTMENT OF LANDS, THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES, THE DEPARTMENT OF PARKS AND RECREATION, AND THE IDAHO DEPARTMENT OF WATER RESOURCES REVIEWED BY THE SENATE RESOURCES AND ENVIRONMENT COMMITTEE AND THE HOUSE RESOURCES AND CONSERVATION COMMITTEE WITH EXCEPTIONS.

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

WHEREAS, pursuant to Section 67-5291, Idaho Code, the Legislature must approve pending administrative rules by adoption of a concurrent resolution; and

WHEREAS, pursuant to the provisions of Section 67-5291, Idaho Code, any pending rule that is not approved by adoption of a concurrent resolution shall expire upon adjournment sine die of the legislative session during which the agency submits the pending rule to the Legislature for review; and

WHEREAS, the Senate Resources and Environment Committee and the House Resources and Conservation Committee reviewed pending rules adopted by the Idaho Department of Fish and Game, the Idaho Department of Lands, the Division of Occupational and Professional Licenses, the Department of Parks and Recreation, and the Idaho Department of Water Resources; and

WHEREAS, it is the finding of the Legislature that certain rules of the Department of Parks and Recreation, Rules Governing the Administration of Park and Recreation Areas and Facilities, are not consistent with legislative intent; and

WHEREAS, the Legislature finds that it is in the public interest to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-seventh Idaho Legislature, the Senate and the House of Representatives concurring therein, that the following pending rules adopted by the Idaho Department of Lands, pursuant to the Administrative Procedure Act and submitted through the Office of the Administrative Rules Coordinator to the Legislature for review during the 2024 legislative session and reviewed by the Senate Resources and Environment Committee and the House Resources and Conservation Committee, be, and the same are hereby approved:

(1) 20.01.01, Rules of Practice and Procedure Before the State Board of Land Commissioners, Docket No. 20-0101-2301;

(2) 20.03.03, Rules Governing Administration of the Reclamation Fund, Docket No. 20.0303-2301;

(3) 20.03.05, Navigable Waterways Mineral Leasing in Idaho, Docket No. 20-0305-2301; and

(4) 20.05.01, Rules Pertaining to the Recreational Use of Endowment Land, Docket No. 20-0501-2301.

BE IT FURTHER RESOLVED that pending rules adopted by the Idaho Department of Fish and Game, the Division of Occupational and Professional Licenses, the Department of Parks and Recreation, and the Idaho Department of Water Resources, pursuant to the Administrative Procedure Act and submitted through the Office of the Administrative Rules Coordinator to the Legislature for review during the 2024 legislative session and reviewed by the Senate Resources and Environment Committee and the House Resources and Conservation Committee, be, and the same are hereby approved, with the exception of, Rules Governing the Administration of Park and Recreation Areas and Facilities, IDAPA 26.01.20, Docket No. 26-0120-2301, Section 225., Subsection 07., and Sections 245., 247., 250., 254., 256., and 276., only, are hereby rejected and not approved, and thereby pursuant to Section 67-5291, Idaho Code, shall expire upon adjournment sine die of the legislative session and be null, void, and of no force and effect.

Adopted by the Senate March 25, 2024

Adopted by the House March 26, 2024

(S.C.R. No. 128)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND APPROVING PENDING RULES OF THE DEPARTMENT OF HEALTH AND WELFARE REVIEWED BY THE SENATE HEALTH AND WELFARE COMMITTEE.

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

WHEREAS, pursuant to Section 67-5291, Idaho Code, the Legislature must approve pending administrative rules by adoption of a concurrent resolution; and

WHEREAS, pursuant to the provisions of Section 67-5291, Idaho Code, any pending rule that is not approved by adoption of a concurrent resolution shall expire upon adjournment sine die of the legislative session during which the agency submits the pending rule to the Legislature for review; and

WHEREAS, the Senate Health and Welfare Committee reviewed pending rules adopted by the Department of Health and Welfare; and

WHEREAS, the Legislature finds that it is in the public interest to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-seventh Idaho Legislature, the Senate and the House of Representatives concurring therein, that the following pending rules adopted by the Department of Health and Welfare, pursuant to the Administrative Procedure Act and submitted through the Office of the Administrative Rules Coordinator to the Legislature for review during the 2024 legislative session and reviewed by the Senate Health and Welfare Committee, be, and the same are hereby approved: 16.03.02, Skilled Nursing Facilities, Docket No. 16-0302-2301.

Adopted by the Senate March 25, 2024

Adopted by the House March 27, 2024

(S.C.R. No. 129)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND APPROVING PENDING RULES OF THE DIVISION OF HUMAN RESOURCES AND PERSONNEL COMMISSION, THE IDAHO INDUSTRIAL COMMISSION, AND THE PUBLIC EMPLOYEES RETIREMENT SYSTEM OF IDAHO REVIEWED BY THE SENATE COMMERCE AND HUMAN RESOURCES COMMITTEE AND THE HOUSE COMMERCE AND HUMAN RESOURCES COMMITTEE, WITH EXCEPTIONS.

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

WHEREAS, pursuant to Section 67-5291, Idaho Code, the Legislature must approve pending administrative rules by adoption of a concurrent resolution; and

WHEREAS, pursuant to the provisions of Section 67-5291, Idaho Code, any pending rule that is not approved by adoption of a concurrent resolution shall expire upon adjournment sine die of the legislative session during which the agency submits the pending rule to the Legislature for review; and

WHEREAS, the Senate Commerce and Human Resources Committee and the House Commerce and Human Resources Committee reviewed pending rules adopted by the Division of Human Resources and Personnel Commission, the Idaho Industrial Commission, and the Public Employees Retirement System of Idaho; and

WHEREAS, it is the finding of the Legislature that certain rules of the Idaho Industrial Commission, Administrative Rules Under the Crime Victims Compensation Act, are not consistent with legislative intent; and

WHEREAS, the Legislature finds that it is in the public interest to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-seventh Idaho Legislature, the Senate and the House of Representatives concurring therein, that the pending rules adopted by the Division of Human Resources and Personnel Commission, the Idaho Industrial Commission, and the Public Employees Retirement System of Idaho, pursuant to the Administrative Procedure Act and submitted through the Office of the Administrative Rules Coordinator to the Legislature for review during the 2024 legislative session and reviewed by the Senate Commerce and Human Resources Committee and the House Commerce and Human Resources Committee, be, and the same are hereby approved with the exception of IDAPA 17.10.01, Administrative Rules Under the Crime Victims Compensation Act, Docket No. 17-1001-2301, Section 011., Subsection 07., and Section 013., Subsection 02., only.

Adopted by the Senate March 25, 2024

Adopted by the House March 26, 2024

HOUSE CONCURRENT RESOLUTIONS

(H.C.R. No. 19)

A CONCURRENT RESOLUTION

PROVIDING FOR A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE SECOND REGULAR SESSION OF THE SIXTY-SEVENTH IDAHO LEGISLATURE FOR THE PURPOSE OF HEARING A MESSAGE FROM THE GOVERNOR.

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

WHEREAS, the Governor has informed the House of Representatives and the Senate that he desires to deliver a message to a Joint Session of the House of Representatives and the Senate of the Second Regular Session of the Sixty-seventh Idaho Legislature in the Chamber of the House of Representatives at 1 p.m. on Monday, January 8, 2024.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that the House of Representatives and the Senate meet in Joint Session on Monday, January 8, 2024, at 1 p.m. for the purpose of hearing the message from the Governor.

Adopted by the House January 8, 2024

Adopted by the Senate January 8, 2024

(H.C.R. No. 25)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND ENCOURAGING THE IDAHO DEPARTMENT OF EDUCATION TO REVIEW AND CONSIDER THE ADOPTION OF AGE-APPROPRIATE HOLOCAUST EDUCATION IN SCHOOL DISTRICTS AND PUBLIC CHARTER SCHOOLS.

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

WHEREAS, the Holocaust was a systemic genocide and murder of six million Jews and millions of others by the Nazi regime and its collaborators during World War II; and

WHEREAS, the Holocaust stands as a stain on human history and a stark reminder of the dangers of prejudice, discrimination, and unchecked hatred; and

WHEREAS, the study of the Holocaust within the context of geography, history, and political systems provides students with essential learning experiences, helping students to confront the issues of moral dilemmas and conflicts of conscience posed by the Holocaust; and

WHEREAS, understanding the causes, events, and consequences of the Holocaust is crucial for fostering respect, combating anti-Semitism and all forms of prejudice, and upholding democratic values and civil responsibility; and

WHEREAS, learning the lessons of the Holocaust can help prevent future atrocities; and

WHEREAS, teaching about the Holocaust can empower students to become critical thinkers, active citizens, and defenders of human rights by equipping them with the knowledge and skills to recognize and challenge patterns of misinformation, intolerance, and discrimination; and

WHEREAS, recognizing the importance of Holocaust education, a growing number of states across the country have mandated or encouraged its inclusion in social studies curricula.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Idaho State Department of Education is hereby encouraged to:

(1) Review and consider the adoption of age-appropriate Holocaust education in applicable social studies courses in school districts and public charter schools;

(2) Develop guidance and resources for educators to assist them in effectively teaching about the Holocaust;

(3) Provide and promote professional learning activities for educators that include evidence-based pedagogical practices, including resources that address sensitive topics in a responsible and age-appropriate manner; and

(4) Collaborate with relevant organizations and experts in Holocaust education to ensure that any proposed curriculum materials are accurate, comprehensive, and aligned with best practices.

BE IT FURTHER RESOLVED that this resolution is not intended to mandate specific curriculum content. Rather, it encourages the Idaho State Department of Education to take a thoughtful and comprehensive approach to adopting Holocaust education into the state's social studies curriculum.

BE IT FURTHER RESOLVED that the Legislature encourages parents and families to reinforce the important lessons learned from the Holocaust by promoting civic virtues and beneficial character qualities.

BE IT FURTHER RESOLVED that the Legislature urges all Idahoans to remember the victims of the Holocaust and to learn from their stories so we can create a more just and compassionate world.

Adopted by the House February 26, 2024

Adopted by the Senate March 18, 2024

(H.C.R. No. 27)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE, REQUESTING THAT THE DEPARTMENT OF INSURANCE CONSULT WITH INSURANCE INDUSTRY LEADERS TO DETERMINE HOW TO MAKE MEDICALLY NECESSARY IVIG TREATMENT FOR PANDAS/PANS AVAILABLE TO IDAHO CHILDREN NOT CURRENTLY COVERED BY MEDICAID OR A COMMERCIAL INSURER ALREADY PROVIDING COVERAGE, AND RECOGNIZING PANDAS/PANS AWARENESS DAY.

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

WHEREAS, pediatric autoimmune neuropsychiatric disorders associated with streptococcal infection (PANDAS) and pediatric acute-onset neuropsychiatric syndrome (PANS) involve a misdirected autoimmune process that affects or weakens the blood-brain barrier in children; and

WHEREAS, children afflicted with PANDAS or PANS display sudden, dramatic changes in personality manifesting as obsessive compulsive disorder together with accompanying symptoms following a strep, bacterial, or viral infection. Accompanying symptoms may include tics, intense fear or anxiety, depression, behavioral regression, deterioration in school performance, sensory sensitivities, severely restricted food intake, and more; and

WHEREAS, it is estimated that at least 1 in 200 children in the United States, including more than 2,000 children in Idaho, are affected by PANDAS or PANS; and

WHEREAS, PANDAS or PANS is as common as pediatric cancer and pediatric diabetes and can seriously affect health outcomes in a child's life to include life long mental illness, brain damage, and/or suicide; and

WHEREAS, established standards of care for treatment of PANDAS or PANS include antibiotics, steroids, intravenous immunoglobulin (IVIG), plasmapheresis, cognitive behavioral therapy, and anti-inflammatory medications and such treatments are utilized based on the needs of the child and the severity of an individual case; and

WHEREAS, other states have established legislative precedent for IVIG coverage, including but not limited to Illinois, Delaware, Arkansas, Minnesota, New Hampshire, Indiana, Maryland, Kansas, and Rhode Island; and

WHEREAS, while Medicaid and other select insurers cover IVIG treatment, families who aren't on one of the select plans that already provide coverage are frequently unable to pay for IVIG when insurance declines to provide coverage; and

WHEREAS, Idaho's administrative rules currently permit insurance companies to deny coverage for IVIG when the treatment has been deemed medically necessary by a healthcare provider; and

WHEREAS, Idaho medical providers treating this population are not able to present this treatment option to families whose child would benefit because of the likelihood of insurance denial and inability for the family to pay privately the thousands of dollars it would cost out of pocket; and

WHEREAS, a change in the administrative rules and in the practice of insurance companies could make necessary medical treatment more accessible to the approximately 400 Idaho children who require IVIG and who are otherwise covered under private insurance plans; and

WHEREAS, the Sixty-sixth Idaho Legislature in its Second Regular session recognized October 9, 2022, as PANDAS/PANS Awareness Day in Idaho.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislature requests that the Department of Insurance consult with leaders in the insurance industry to determine how to make medically necessary IVIG treatment available to all Idaho children who are insured.

BE IT FURTHER RESOLVED that the Legislature requests that the Department of Insurance collect data and ascertain the costs for including this benefit in private insurance plans and, further, that the Department of Insurance determine any impact on the Idaho General Fund for the addition of this benefit.

BE IT FURTHER RESOLVED that the Legislature requests that the Department of Insurance and leaders in the insurance industry report their findings and recommendations, if any, to the First Regular Session of the Sixty-eighth Idaho Legislature.

BE IT FURTHER RESOLVED by the Sixty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that October 9, 2024, be recognized in the State of Idaho as PANDA/PANS Awareness Day.

Adopted by the House March 1, 2024

Adopted by the Senate March 18, 2024

(H.C.R. No. 28)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND COMMENDING SPECIAL DEPUTY PAUL NETTLETON ON HIS FIFTY YEARS OF EXEMPLARY SERVICE TO THE OWYHEE COUNTY SHERIFF'S OFFICE AND THE PEOPLE OF OWYHEE COUNTY.

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

WHEREAS, Special Deputy Paul Nettleton is marking fifty years of service to the Owyhee County Sheriff's Office; and

WHEREAS, in 1973, prior to his service for the Sheriff's Office, Mr. Nettleton caught the attention of the sheriff by assisting him in a bar fight in the town of Silver City; and

WHEREAS, in 1974, the Sheriff asked Mr. Nettleton to join his office as a special deputy; and

WHEREAS, with only his single-action .22 revolver and his trusty horse, Nugget, Deputy Nettleton answered the call; and

WHEREAS, with limited radio and cell phone connection, Deputy Nettleton and Nugget covered the 7,600 square miles of Owyhee County together, spending days on the trails, answering hundreds of calls, and searching for those who needed to be found; and

WHEREAS, in the early 1980s, Deputy Nettleton and another deputy were sent on horseback in winter to find an escapee from the local prison. They tracked the fugitive to an uninhabited cabin in the back country, but the fugitive initially eluded their search. With his cowboy instincts too dogged to be denied, Deputy Nettleton and his partner continued their search, eventually marching the fugitive out at gunpoint much to the surprise of the other deputies waiting outside; and

WHEREAS, in 1986, Deputy Nettleton was asked to assist in the Claude Dallas case, a man on the F.B.I.'s most wanted list for the killing of two state game wardens who subsequently escaped prison following his conviction. Following his recapture, Claude Dallas's case became a matter of national interest and local lore in Owyhee County. At a gathering of angry Dallas supporters, Deputy Nettleton was assigned to the rooftop with a shotgun to watch over the crowd, and despite personally knowing many of the

angry people below, Deputy Nettleton showed composure and resolve in doing his duty and assisting his fellow deputies; and

WHEREAS, Nugget's service ended in 1987, Deputy Nettleton's service continues to this day; and

WHEREAS, in the finest tradition of the West, Special Deputy Paul Nettleton is truly a man "whose deeds follow his words."

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislature commends Special Deputy Paul Nettleton on his fifty years of exemplary service to the Owyhee County Sheriff's Office and the people of Owyhee County.

Adopted by the House March 12, 2024

Adopted by the Senate March 21, 2024

(H.C.R. No. 29)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING CERTAIN RULES OF THE DEPARTMENT OF ADMINISTRATION RELATING TO RULES OF THE DIVISION OF PURCHASING.

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

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the Department of Administration relating to Rules of the Division of Purchasing are not consistent with legislative intent and should be rejected because they exceed the scope of authority granted to the administrator by creating in rule a type of solicitation called an "invitation to negotiate" or a "competitive negotiation" that is not permitted by statute or included in the statutory definition of a "solicitation."

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that final rule contained in IDAPA 38.05.01, Section 011., Subsections 05., 14., 17., and 18.; Section 051., Subsections 02. and 04.; Section 070.; Section 084., Subsection 01.a.; and Section 094., relating to Rules of the Division of Purchasing, Rules of the Department of Administration, only, be, and the same are hereby rejected and declared null, void, and of no force and effect.

Adopted by the House March 1, 2024

Adopted by the Senate March 15, 2024

(H.C.R. No. 30)

A CONCURRENT RESOLUTION
STATING FINDINGS OF THE LEGISLATURE AND ENCOURAGING THE DEPARTMENT OF HEALTH
AND WELFARE TO APPLY AND IMPLEMENT COST-SHARING WAIVERS.

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

WHEREAS, the State of Idaho desires to assist Idaho families in receiving assistance and developing financial resilience; and

WHEREAS, the State of Idaho has existing cost-sharing plans that could be improved upon as Idaho's cost-sharing is below the level allowable under law and many other states have developed more effective cost-sharing plans; and

WHEREAS, effective cost-sharing helps to direct care in the most appropriate way and assists families in preparing for traditional marketplace coverage; and

WHEREAS, Idaho citizens suffer from the financial cliff of crossing the federal poverty limit threshold and are unfairly forced to choose between better pay and losing coverage; and

WHEREAS, some Idaho citizens prefer the choice of private sector plans but qualify for Medicaid coverage and therefore are ineligible for premium assistance and other states have developed acceptable options that assist in transitioning between Medicaid coverage, marketplace plans, or employer sponsored plans; and

WHEREAS, developing appropriate cost-sharing and work requirements allows the state's financial resources to stretch to more recipients.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislature requests that the Department of Health and Welfare implement a cost-sharing approach at least to the levels developed by other states.

BE IT FURTHER RESOLVED that the Legislature requests that the Department of Health and Welfare develop work requirements similar to the states of Georgia and Arkansas, which requirements have been acceptable to the United States Department of Health and Human Services.

BE IT FURTHER RESOLVED that the Legislature requests that the Department of Health and Welfare apply for the necessary waivers to allow those between 100% and 138% of the federal poverty limit to choose between Medicaid and private sector plans.

BE IT FURTHER RESOLVED that the Legislature requests that the Department of Health and Welfare's efforts be regularly reported to the germane committees of the Idaho Legislature.

Adopted by the House March 11, 2024

Adopted by the Senate March 18, 2024

(H.C.R. No. 31)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE, DECLARING THE YEARS 2024-2027 AS THE PERIOD OF COMMEMORATION FOR AMERICA250 IN IDAHO, ENCOURAGING INDIVIDUALS, ORGANIZATIONS, AND COMMUNITIES TO PLAN COMMEMORATIVE ACTIVITIES THAT WILL HONOR AND RECOGNIZE THE PRINCIPLES AND FOUNDATIONAL THOUGHTS THAT EMERGED DURING AMERICA'S REVOLUTIONARY PERIOD, AND CREATING AN ADVISORY COUNCIL.

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

WHEREAS, in the year 2026, the United States will celebrate its semiquincentennial, known as America250, the 250th anniversary of the country's founding and a momentous occasion in our nation's history when the Second Continental Congress adopted the Declaration of Independence on July 4, 1776; and

WHEREAS, the Declaration of Independence encapsulates enduring truths and principles that define the national heritage of the United States, among them individual liberty, representative government, and equal and unalienable rights; and

WHEREAS, the founding of the United States of America is one of the most extraordinary and providential events in human history and should be celebrated accordingly; and

WHEREAS, the anniversary of the signing of the Declaration of Independence serves as a reminder of the role of citizens in keeping our republic by preserving self-governance, fostering peace, pursuing happiness, inspiring gratitude and patriotism, and mentoring future generations by passing down patriotic traditions; and

WHEREAS, Public Law 114-196, passed by the 114th United States Congress and signed by the president on July 22, 2016, established the United States Semiquincentennial Commission and encouraged similar state and local efforts; and

WHEREAS, the State of Idaho shall participate in this national commemoration as "America250 in Idaho"; and

WHEREAS, America250 in Idaho provides an opportunity for Idahoans to participate in commemorating the ideals of the American revolution: equality, liberty, and justice; and

WHEREAS, Idaho, known as the "Gem State," occupies a unique place in the mosaic of American history, with significant historical milestones, eras, innovations, and advancements; and

WHEREAS, learning about Idaho's history builds honor in our great state and its place in the American story and strengthens the values that characterize Idaho and its residents, including family, community, integrity, self-reliance, and patriotism; and

WHEREAS, America250 in Idaho will rely on the values of heritage reverence, education, respect, community resilience, and patriotism to guide its efforts; and

WHEREAS, in honoring these values, America250 in Idaho will make Idaho's unparalleled history and distinctive attributes and the invaluable contributions of its residents since time immemorial the foundation on which Idahoans understand their place in this region, the country, and the world; and

WHEREAS, the Idaho Legislature invites partners, communities, organizations, and all Idahoans to participate in America250 in Idaho throughout the commemorative period.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Idaho Legislature declares

2024 through 2027 as the period of commemoration for America250 in Idaho during which time individuals, organizations, and communities may plan commemorative activities that will honor and recognize the principles and foundational thoughts that emerged during America's revolutionary period and which we all aspire to today.

BE IT FURTHER RESOLVED that the Idaho Legislature invites all Idahoans to promote an awareness and understanding of the principles contained in the nation's founding documents, including but not limited to representative government, personal responsibility, individual liberty, and equal and inalienable rights. We encourage Idahoans to reflect on American and state history and heritage, develop deeper connections within their communities, and advance Idaho's contributions and values for the benefit of our children and future generations.

BE IT FURTHER RESOLVED that the Idaho Legislature hereby calls for the creation of the America250 in Idaho Advisory Council comprised of three members appointed by the governor, one of whom shall be the director of the State Historical Society, and four members appointed by the Legislative Council, to oversee and guide the implementation of America250 in Idaho.

Adopted by the House March 11, 2024

Adopted by the Senate March 26, 2024

(H.C.R. No. 33)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND APPROVING PENDING RULES OF THE IDAHO STATE TAX COMMISSION REVIEWED BY THE HOUSE REVENUE AND TAXATION COMMITTEE AND THE SENATE LOCAL GOVERNMENT AND TAXATION COMMITTEE.

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

WHEREAS, pursuant to Section 67-5291, Idaho Code, the Legislature must approve pending administrative rules by adoption of a concurrent resolution; and

WHEREAS, pursuant to the provisions of Section 67-5291, Idaho Code, any pending rule that is not approved by adoption of a concurrent resolution shall expire upon adjournment sine die of the legislative session during which the agency submits the pending rule to the Legislature for review; and

WHEREAS, the House Revenue and Taxation Committee and the Senate Local Government and Taxation Committee reviewed pending rules adopted by the Idaho State Tax Commission; and

WHEREAS, the Legislature finds that it is in the public interest to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that the pending rules adopted by the Idaho State Tax Commission, pursuant to the Administrative Procedure Act and submitted through the Office of the Administrative Rules Coordinator to the Legislature for review during the 2024 legislative session and reviewed by the House Revenue and Taxation Committee and the Senate Local Government and Taxation Committee, be, and the same are hereby approved.

Adopted by the House March 11, 2024

Adopted by the Senate March 15, 2024

(H.C.R. No. 39)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND APPROVING PENDING AND TEMPORARY RULES OF THE DEPARTMENT OF HEALTH AND WELFARE AND THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES REVIEWED BY THE HOUSE HEALTH AND WELFARE COMMITTEE AND THE SENATE HEALTH AND WELFARE COMMITTEE WITH EXCEPTIONS.

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

WHEREAS, pursuant to Section 67-5291, Idaho Code, the Legislature must approve pending and temporary administrative rules by adoption of a concurrent resolution; and

WHEREAS, pursuant to the provisions of Section 67-5291, Idaho Code, any pending or temporary rule that is not approved by adoption of a concurrent resolution shall expire upon adjournment sine die of the legislative session during which the agency submits the pending rule to the Legislature for review; and

WHEREAS, the House Health and Welfare Committee and the Senate Health and Welfare Committee reviewed pending and temporary rules adopted by the Department of Health and Welfare and pending rules adopted by the Division of Occupational and Professional Licenses; and

WHEREAS, pursuant to Section 56-202, Idaho Code, the Interim Director of the Department of Health and Welfare vacated IDAPA 16.05.03, Contested Case Proceedings and Declaratory Rulings, Docket No. 16-0503-2301, on which the committees took no action; and

WHEREAS, it is the finding of the Legislature that certain rules of the Department of Health and Welfare and the Division of Occupational and Professional Licenses are not consistent with legislative intent; and

WHEREAS, the Legislature finds that it is in the public interest to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that the following pending and temporary rules adopted by the Department of Health and Welfare and the Division of Occupational and Professional Licenses, pursuant to the Administrative Procedure Act and submitted through the Office of the Administrative Rules Coordinator to the Legislature for review during the 2024 legislative session and reviewed by the House Health and Welfare Committee and the Senate Health and Welfare Committee, be, and the same are hereby approved in their entirety:

- (1) 16.01.02, Emergency Medical Services (EMS) - Rule Definitions, Docket No. 16-0102-2301;
- (2) 16.01.03, Emergency Medical Services (EMS) - Agency Licensing Requirements, Docket No. 16-0103-2301;
- (3) 16.02.02, Idaho Emergency Medical Services (EMS) Physician Commission, Docket No. 16-0202-2301;
- (4) 16.02.06, Quality Assurance for Clinical Laboratories, Docket No. 16-0206-2301;
- (5) 16.02.24, Clandestine Drug Laboratory Cleanup, Docket No. 16-0224-2301;
- (6) 16.02.25, State Laboratory Fees, Docket No. 16-0225-2301;
- (7) 16.03.01, Eligibility for Health Care Assistance for Families and Children, Docket No. 16-0301-2301;
- (8) 16.03.04, Idaho Food Stamp Program, Docket No. 16-0304-2301;
- (9) 16.03.05, Eligibility for Aid to the Aged, Blind, and Disabled (AABD), Docket No. 16-0305-2301;
- (10) 16.03.06, Refugee Medical Assistance, Docket No. 16-0306-2301;

- (11) 16.03.09, Medicaid Basic Plan Benefits, Docket No. 16-0309-2301;
- (12) 16.03.10, Medicaid Enhanced Plan Benefits, Docket No. 16-0310-2101;
- (13) 16.03.13, Consumer-Directed Services, Docket No. 16-0313-2101;
- (14) 16.03.18, Medicaid Cost-Sharing, Docket No. 16-0318-2301;
- (15) 16.03.22, Residential Assisted Living Facilities, Docket No. 16-0322-2301;
- (16) 16.04.18, Children's Agencies and Residential Licensing, Docket No. 16-0418-2301;
- (17) 16.06.03, Daycare Licensing, Docket No. 16-0603-2301;
- (18) 16.07.19, Peer Support Specialist and Family Support Partner Certification, Docket No. 16-0719-2301;
- (19) 16.07.25, Prevention of Minors' Access to Tobacco or Electronic Smoking Device Products, Docket No. 16-0725-2301;
- (20) 16.07.39, Designated Examiners and Dispositioners, Docket No. 16-0739-2301;
- (21) 16.03.14, Hospitals, Docket No. 16-0314-2301;
- (22) 24.06.01, Rules for the Licensure of Occupational Therapists and Occupational Therapy Assistants, Docket No. 24-0601-2301;
- (23) 24.11.01, Rules of the State Board of Podiatry, Docket No. 24-1101-2301;
- (24) 24.13.01, Rules Governing the Physical Therapy Licensure Board, Docket No. 24-1301-2301;
- (25) 24.15.01, Rules of the Idaho Licensing Board of Professional Counselors and Marriage and Family Therapists, Docket No. 24-1501-2301;
- (26) 24.16.01, Rules of the State Board of Dentistry, Docket No. 24-1601-2301;
- (27) 24.27.01, Rules of the Idaho State Board of Massage Therapy, Docket No. 24-2701-2301;
- (28) 24.31.01, Rules of the Idaho State Board of Dentistry, Docket No. 24-3101-2301;
- (29) 24.33.01, Rules of the Board of Medicine for the Licensure to Practice Medicine and Osteopathic Medicine in Idaho, Docket No. 24-3301-2301;
- (30) 24.36.01, Rules of the Idaho State Board of Pharmacy, Docket No. 24-3601-2301; and
- (31) 24.40.01, Rules of the Board of Naturopathic Health Care, Docket No. 24-4001-2301.

BE IT FURTHER RESOLVED that the following pending rules adopted by the Department of Health and Welfare and the Division of Occupational and Professional Licenses, pursuant to the Administrative Procedure Act and submitted through the Office of the Administrative Rules Coordinator to the Legislature for review during the 2024 legislative session and reviewed by the House Health and Welfare Committee and the Senate Health and Welfare Committee, be, and the same are hereby approved, with the exception of: (1) Child and Family Services, IDAPA 16.06.01, Docket No. 16-0601-2301, the entire docket; (2) Foster Care Licensing, IDAPA 16.06.02, Docket No. 16-0602-2301, final rule Section 010., Subsection 08., because the definition does not match what is contained in Idaho Code, and final rule and pending changes Section 402., Subsection 02., because subjective criteria is not provided for in Idaho Code, only; and (3) Rules of the State Board of Social Work Examiners, IDAPA 24.14.01, Docket No. 24-1401-2301, Section 450., Subsection 02.a., only, are hereby rejected and not approved, and thereby pursuant to Section 67-5291, Idaho Code, shall expire upon adjournment sine die of the legislative session and be null, void, and of no force and effect.

Adopted by the House March 15, 2024

Adopted by the Senate March 25, 2024

(H.C.R. No. 41)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND APPROVING PENDING RULES OF THE DEPARTMENT OF AGRICULTURE, THE IDAHO STATE POLICE / STATE BRAND BOARD, THE DIVISION OF OCCUPATIONAL LICENSES, AND THE IDAHO POTATO COMMISSION REVIEWED BY THE HOUSE AGRICULTURAL AFFAIRS COMMITTEE AND THE SENATE AGRICULTURAL AFFAIRS COMMITTEE.

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

WHEREAS, pursuant to Section 67-5291, Idaho Code, the Legislature must approve pending administrative rules by adoption of a concurrent resolution; and

WHEREAS, pursuant to the provisions of Section 67-5291, Idaho Code, any pending rule that is not approved by adoption of a concurrent resolution shall expire upon adjournment sine die of the legislative session during which the agency submits the pending rule to the Legislature for review; and

WHEREAS, the House Agricultural Affairs Committee and the Senate Agricultural Affairs Committee reviewed pending rules adopted by the Department of Agriculture, the Idaho State Police / State Brand Board, the Division of Occupational Licenses, and the Idaho Potato Commission; and

WHEREAS, the Legislature finds that it is in the public interest to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that the pending rules adopted by the Department of Agriculture, the Idaho State Police / State Brand Board, the Division of Occupational Licenses, and the Idaho Potato Commission, pursuant to the Administrative Procedure Act and submitted through the Office of the Administrative Rules Coordinator to the Legislature for review during the 2024 legislative session and reviewed by the House Agricultural Affairs Committee and the Senate Agricultural Affairs Committee, be, and the same are hereby approved.

Adopted by the House March 19, 2024

Adopted by the Senate March 25, 2024

(H.C.R. No. 42)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND APPROVING PENDING RULES OF THE DEPARTMENT OF JUVENILE CORRECTIONS, THE IDAHO STATE POLICE, THE COMMISSION OF PARDONS AND PAROLE, AND THE OFFICE OF ADMINISTRATIVE HEARINGS REVIEWED BY THE HOUSE JUDICIARY, RULES AND ADMINISTRATION COMMITTEE AND THE SENATE JUDICIARY AND RULES COMMITTEE.

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

WHEREAS, pursuant to Section 67-5291, Idaho Code, the Legislature must approve pending administrative rules by adoption of a concurrent resolution; and

WHEREAS, pursuant to the provisions of Section 67-5291, Idaho Code, any pending rule that is not approved by adoption of a concurrent resolution shall expire upon adjournment sine die of the legislative session during which the agency submits the pending rule to the Legislature for review; and

WHEREAS, the House Judiciary, Rules and Administration Committee and the Senate Judiciary and Rules Committee reviewed pending rules adopted by

the Department of Juvenile Corrections, the Idaho State Police, the Commission of Pardons and Parole, and the Office of Administrative Hearings; and

WHEREAS, the Legislature finds that it is in the public interest to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that the following pending rules adopted by the Department of Juvenile Corrections, pursuant to the Administrative Procedure Act and submitted through the Office of the Administrative Rules Coordinator to the Legislature for review during the 2024 legislative session and reviewed by the House Judiciary, Rules and Administration Committee and the Senate Judiciary and Rules Committee, be, and the same are hereby approved:

(1) 05.01.02, Rules and Standards for Secure Juvenile Detention Centers, Docket No. 05-0102-2301; and

(2) 05.01.04, Uniform Standards for Juvenile Probation Services, Docket No. 05-0104-2301.

BE IT FURTHER RESOLVED that pending rules adopted by the Idaho State Police, the Commission of Pardons and Parole, and the Office of Administrative Hearings, pursuant to the Administrative Procedure Act and submitted through the Office of the Administrative Rules Coordinator to the Legislature for review during the 2024 legislative session and reviewed by the House Judiciary, Rules and Administration Committee and the Senate Judiciary and Rules Committee, be, and the same are hereby approved.

Adopted by the House March 19, 2024

Adopted by the Senate March 26, 2024

(H.C.R. No. 43)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING AND NOT APPROVING PENDING RULES OF THE DEPARTMENT OF JUVENILE CORRECTIONS REVIEWED BY THE HOUSE JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE AND THE SENATE JUDICIARY AND RULES COMMITTEE.

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

WHEREAS, pursuant to Section 67-5291, Idaho Code, the Legislature must approve pending administrative rules by adoption of a concurrent resolution; and

WHEREAS, pursuant to the provisions of Section 67-5291, Idaho Code, any pending rule that is not approved by adoption of a concurrent resolution shall expire upon adjournment sine die of the legislative session during which the agency submits the pending rule to the Legislature for review; and

WHEREAS, the House Judiciary, Rules, and Administration Committee and the Senate Judiciary and Rules Committee reviewed pending rules adopted by the Department of Juvenile Corrections; and

WHEREAS, the House Judiciary, Rules, and Administration Committee approved IDAPA 05.02.01, Rules for Residential Treatment Providers, Docket No. 05-0201-2301, the entire docket; and

WHEREAS, the Senate Judiciary and Rules Committee rejected and did not approve IDAPA 05.02.01, Rules for Residential Treatment Providers, Docket No. 05-0201-2301, the entire docket, as not being consistent with legislative intent; and

WHEREAS, the Legislature finds that it is in the public interest to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that since IDAPA 05.02.01, Rules for Residential Treatment Providers, Docket No. 05-0201-2301, the entire docket, was not approved by both the House of Representatives and the Senate, such pending rule docket adopted by the Department of Juvenile Corrections, pursuant to the Administrative Procedure Act and submitted through the Office of the Administrative Rules Coordinator to the Legislature for review during the 2024 legislative session and reviewed by the House Judiciary, Rules, and Administration Committee and the Senate Judiciary and Rules Committee, be, and the same is hereby rejected and not approved, and thereby pursuant to Section 67-5291, Idaho Code, shall expire upon adjournment sine die of the legislative session and be null, void, and of no force and effect.

Adopted by the House March 19, 2024

Adopted by the Senate March 26, 2024

(H.C.R. No. 44)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND APPROVING PENDING RULES OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY REVIEWED BY THE HOUSE ENVIRONMENT, ENERGY, AND TECHNOLOGY COMMITTEE AND THE SENATE RESOURCES AND ENVIRONMENT COMMITTEE.

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

WHEREAS, pursuant to Section 67-5291, Idaho Code, the Legislature must approve pending administrative rules by adoption of a concurrent resolution; and

WHEREAS, pursuant to the provisions of Section 67-5291, Idaho Code, any pending rule that is not approved by adoption of a concurrent resolution shall expire upon adjournment sine die of the legislative session during which the agency submits the pending rule to the Legislature for review; and

WHEREAS, the House Environment, Energy, and Technology Committee and the Senate Resources and Environment Committee reviewed pending rules adopted by the Department of Environmental Quality; and

WHEREAS, the Legislature finds that it is in the public interest to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that pending rules adopted by the Department of Environmental Quality, pursuant to the Administrative Procedure Act and submitted through the Office of the Administrative Rules Coordinator to the Legislature for review during the 2024 legislative session and reviewed by the House Environment, Energy, and Technology Committee and the Senate Resources and Environment Committee, be, and the same are hereby approved.

Adopted by the House March 19, 2024

Adopted by the Senate April 10, 2024

(H.C.R. No. 47)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND APPROVING PENDING RULES OF THE IDAHO STATE BOARD OF TAX APPEALS REVIEWED BY THE HOUSE REVENUE AND TAXATION COMMITTEE AND THE SENATE LOCAL GOVERNMENT AND TAXATION COMMITTEE, WITH EXCEPTIONS.

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

WHEREAS, pursuant to Section 67-5291, Idaho Code, the Legislature must approve pending administrative rules by adoption of a concurrent resolution; and

WHEREAS, pursuant to the provisions of Section 67-5291, Idaho Code, any pending rule that is not approved by adoption of a concurrent resolution shall expire upon adjournment sine die of the legislative session during which the agency submits the pending rule to the Legislature for review; and

WHEREAS, the House Revenue and Taxation Committee and the Senate Local Government and Taxation Committee reviewed pending rules adopted by the Idaho State Board of Tax Appeals; and

WHEREAS, the Senate Local Government and Taxation Committee approved pending rules of the Idaho State Board of Tax Appeals, Idaho Board of Tax Appeals Rules, Docket No. 36-0101-2301, the entire docket; and

WHEREAS, the House Revenue and Taxation Committee approved pending rules of the Idaho State Board of Tax Appeals, Idaho Board of Tax Appeals Rules, IDAPA 36.01.01, Docket No. 36-0101-2301, with the exception of Sections 020., 021., and 036., only; and

WHEREAS, it is the finding of the House of Representatives that certain rules of the Idaho State Board of Tax Appeals, Idaho Board of Tax Appeals Rules, are not consistent with legislative intent because certain sections being amended should affirm to citizens that all hearings will be provided in a fair, speedy, and just way; and

WHEREAS, the Legislature finds that it is in the public interest to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that pending rules of the Idaho State Board of Tax Appeals, Idaho Board of Tax Appeals Rules, IDAPA 36.01.01, Docket No. 36-0101-2301, are hereby approved with the exception of Sections 020., 021., and 036., only, which are hereby rejected and not approved, and thereby pursuant to Section 67-5291, Idaho Code, shall expire upon adjournment sine die of the legislative session and be null, void, and of no force and effect.

Adopted by the House March 26, 2024

Adopted by the Senate March 28, 2024

(H.C.R. No. 48)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND APPROVING PENDING RULES OF THE DEPARTMENT OF FINANCE, THE DEPARTMENT OF INSURANCE, AND THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES REVIEWED BY THE HOUSE BUSINESS COMMITTEE AND THE SENATE COMMERCE AND HUMAN RESOURCES COMMITTEE, WITH EXCEPTIONS.

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

WHEREAS, pursuant to Section 67-5291, Idaho Code, the Legislature must approve pending administrative rules by adoption of a concurrent resolution; and

WHEREAS, pursuant to the provisions of Section 67-5291, Idaho Code, any pending rule that is not approved by adoption of a concurrent resolution shall expire upon adjournment sine die of the legislative session during which the agency submits the pending rule to the Legislature for review; and

WHEREAS, both the House Business Committee and the Senate Commerce and Human Resources Committee reviewed and approved the following pending rules adopted by the Department of Finance, the Department of Insurance, and the Division of Occupational and Professional Licenses in their entirety:

- (1) 12.01.04, Rules Pursuant to the Idaho Credit Union Act, Docket No. 12-0104-2301;
- (2) 12.01.08, Rules Pursuant to the Uniform Securities Act (2004), Docket No. 12-0108-2301;
- (3) 12.01.10, Rules Pursuant to the Idaho Residential Mortgage Practices Act, Docket No. 12-0110-2301;
- (4) 18.01.02, Schedule of Fees, Licenses, and Miscellaneous Charges, Docket No. 18-0102-2301;
- (5) 18.04.08, Individual and Group Supplementary Disability Insurance Minimum Standards Rule, Docket No. 18-0408-2301;
- (6) 18.06.01, Rules Pertaining to Bail Agents, Docket No. 18-0601-2301;
- (7) 18.06.02, Producers Handling of Fiduciary Funds, Docket No. 18-0602-2301;
- (8) 18.06.03, Rules Governing Disclosure Requirements for Insurance Producers When Charging Fees, Docket No. 18-0603-2301;
- (9) 18.07.06, Rules Governing Life and Health Reinsurance Agreements, Docket No. 18-0706-2301;
- (10) 18.07.10, Corporate Governance Annual Disclosure, Docket No. 18-0710-2301;
- (11) 18.08.01, Adoption of the International Fire Code, Docket No. 18-0801-2301;
- (12) 24.01.01, Rules of the Board of Architects and Landscape Architects, Docket No. 24-0101-2301;
- (13) 24.07.01, Rules of the Idaho State Board of Landscape Architects, Docket No. 24-0701-2301;
- (14) 24.18.01, Rules of the Real Estate Appraiser Board, Docket No. 24-1801-2301;
- (15) 24.28.01, Rules of the Barber and Cosmetology Services Licensing Board, Docket No. 24-2801-2301;
- (16) 24.39.30, Rules of Building Safety (Building Code Rules), Docket No. 24-3930-2302; and
- (17) 24.39.31, Rules for Factory Built Structures, Docket No. 24-3931-2301; and

WHEREAS, the House Business Committee approved pending rules of the Department of Insurance, The Managed Care Reform Act Rule, Docket No. 18-0404-2301, the entire docket; and

WHEREAS, the Senate Commerce and Human Resources Committee approved pending rules of the Department of Insurance, The Managed Care Reform Act Rule, Docket No. 18-0404-2301, with the exception of Section 011., Subsection 03., only; and

WHEREAS, the Senate Commerce and Human Resources Committee approved pending rules of the Division of Occupational and Professional Licenses, Rules of the Public Works Contractors License Board, Docket No. 24-3950-2301, the entire docket; and

WHEREAS, the House Business Committee approved pending rules of the Division of Occupational and Professional Licenses, Rules of the Public Works Contractors License Board, Docket No. 24-3950-2301, with the exception of Section 100., Subsection 03.d., only; and

WHEREAS, it is the finding of the House of Representatives that certain rules of the Division of Occupational and Professional Licenses, Rules of the Public Works Contractors License Board, are not consistent with legislative intent; and

WHEREAS, it is the finding of the Senate that certain rules of the Department of Insurance, The Managed Care Reform Act Rule, are not consistent with legislative intent; and

WHEREAS, the Legislature finds that it is in the public interest to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that the pending rules of the Department of Insurance, The Managed Care Reform Act Rule, Docket No. 18-0404-2301, are hereby approved with the exception of Section 011., Subsection 03., only, which is hereby rejected and not approved, and thereby pursuant to Section 67-5291, Idaho Code, shall expire upon adjournment sine die of the legislative session and be null, void, and of no force and effect.

BE IT FURTHER RESOLVED that the pending rules of the Division of Occupational and Professional Licenses, Rules of the Public Works Contractors License Board, Docket No. 24-3950-2301, are hereby approved with the exception of Section 100., Subsection 03.d., only, which is hereby rejected and not approved, and thereby pursuant to Section 67-5291, Idaho Code, shall expire upon adjournment sine die of the legislative session and be null, void, and of no force and effect.

BE IT FURTHER RESOLVED that all other pending rule dockets of the Department of Finance, the Department of Insurance, and the Division of Occupational and Professional Licenses reviewed by the House Business Committee and the Senate Commerce and Human Resources Committee are hereby approved.

Adopted by the House March 26, 2024

Adopted by the Senate March 28, 2024

(H.C.R. No. 49)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND APPROVING PENDING RULES OF THE IDAHO DEPARTMENT OF LANDS REVIEWED BY THE HOUSE RESOURCES AND CONSERVATION COMMITTEE AND THE SENATE RESOURCES AND ENVIRONMENT COMMITTEE, WITH AN EXCEPTION.

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

WHEREAS, pursuant to Section 67-5291, Idaho Code, the Legislature must approve pending administrative rules by adoption of a concurrent resolution; and

WHEREAS, pursuant to the provisions of Section 67-5291, Idaho Code, any pending rule that is not approved by adoption of a concurrent resolution shall expire upon adjournment sine die of the legislative session during which the agency submits the pending rule to the Legislature for review; and

WHEREAS, the House Resources and Conservation Committee and the Senate Resources and Environment Committee reviewed pending rules adopted by the Idaho Department of Lands; and

WHEREAS, the Senate Resources and Environment Committee approved pending rules of the Idaho Department of Lands, Rules Governing Dredge and Placer Mining Operations, Docket No. 20-0301-2301, the entire docket; and

WHEREAS, the House Resources and Conservation Committee approved pending rules of the Idaho Department of Lands, Rules Governing Dredge and Placer Mining Operations, Docket No. 20-0301-2301, with the exception of Section 051., Subsection 01., only; and

WHEREAS, it is the finding of the House of Representatives that certain rules of the Idaho Department of Lands, Rules Governing Dredge and Placer Mining Operations in Idaho, are not consistent with legislative intent because the changes do not reflect statutory requirements as provided in Section 47-1317, Idaho Code, which states that "the cost and expense of making such inspections shall be borne by the permittee"; and

WHEREAS, the Legislature finds that it is in the public interest to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that pending rules adopted by the Idaho Department of Lands, Rules Governing Dredge and Placer Mining Operations in Idaho, pursuant to the Administrative Procedure Act and submitted through the Office of the Administrative Rules Coordinator to the Legislature for review during the 2024 legislative session and reviewed by the House Resources and Conservation Committee and Senate Resources and Environment Committee, be, and the same are hereby approved, with the exception of IDAPA 20.03.01, Rules Governing Dredge and Placer Mining Operations in Idaho, Docket No. 20-0301-2301, Section 051., Subsection 01., only, that is rejected and not approved, and thereby pursuant to Section 67-5291, Idaho Code, shall expire upon adjournment sine die of the legislative session and be null, void, and of no force and effect.

Adopted by the House March 29, 2024

Adopted by the Senate April 3, 2024

(H.C.R. No. 51)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND APPROVING THE RECESS OF THE SECOND REGULAR SESSION OF THE SIXTY-SEVENTH IDAHO LEGISLATURE APRIL 4 THROUGH APRIL 9, 2024, RECONVENING ON APRIL 10, 2024, AND PROVIDING THAT NO UNVOUCHERED OR VOUCHERED EXPENSE ALLOWANCE SHALL BE PAYABLE TO ANY MEMBER OF THE LEGISLATURE FOR THE TIME PERIOD DURING SUCH TEMPORARY RECESS WITHOUT THE APPROVAL OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES OR THE PRESIDENT PRO TEMPORE OF THE SENATE.

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

WHEREAS, the Second Regular Session of the Sixty-seventh Idaho Legislature convened on January 8, 2024, and continues in session as of the date of introduction of this concurrent resolution; and

WHEREAS, the members of the Second Regular Session of the Sixty-seventh Idaho Legislature desire to recess April 4 through April 9, 2024, reconvening on April 10, 2024; and

WHEREAS, the report of the Citizens' Committee on Legislative Compensation provides that, if the Legislature, by passage of a concurrent resolution, adjourns to a day certain for more than three days, no unvouchered or vouchered expense allowance shall be payable to any member of the Legislature for the time period during such temporary recess without the approval of the Speaker of the House of Representatives or the President Pro Tempore of the Senate.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Second Regular Session of the Sixty-seventh Idaho Legislature shall recess April 4 through April 9, 2024, reconvening on April 10, 2024.

BE IT FURTHER RESOLVED that no unvouchered or vouchered expense allowance shall be payable to any member of the Legislature for the time period during such temporary recess without the approval of the Speaker of the House of Representatives or the President Pro Tempore of the Senate.

Adopted by the House April 2, 2024

Adopted by the Senate April 3, 2024

(H.C.R. No. 52)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND APPROVING PENDING RULES OF THE IDAHO STATE RACING COMMISSION, THE IDAHO STATE LIQUOR DIVISION, THE IDAHO PUBLIC UTILITIES COMMISSION, AND THE ENDOWMENT FUND INVESTMENT BOARD BY THE HOUSE STATE AFFAIRS COMMITTEE AND THE SENATE STATE AFFAIRS COMMITTEE, WITH AN EXCEPTION.

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

WHEREAS, pursuant to Section 67-5291, Idaho Code, the Legislature must approve pending administrative rules by adoption of a concurrent resolution; and

WHEREAS, pursuant to the provisions of Section 67-5291, Idaho Code, any pending rule that is not approved by adoption of a concurrent resolution shall expire upon adjournment sine die of the legislative session during which the agency submits the pending rule to the Legislature for review; and

WHEREAS, the House State Affairs Committee and the Senate State Affairs Committee reviewed pending rules adopted by the Idaho State Racing Commission, the Idaho State Liquor Division, the Idaho Public Utilities Commission, and the Endowment Fund Investment Board; and

WHEREAS, the Senate State Affairs Committee approved pending rules of the Idaho State Liquor Division, IDAPA 15.10.01 Rules of the Idaho State Liquor Division, Docket No. 15-1001-2301, the entire docket; and

WHEREAS, the House State Affairs Committee approved pending rules of the Idaho State Liquor Division, IDAPA 15.10.01 Rules of the Idaho State Liquor Division, Docket No. 15-1001-2301, with the exception of Section 021., Subsection 09., only; and

WHEREAS, it is the finding of the House of Representatives that certain rules of the Idaho State Liquor Division, Rules of the Idaho State Liquor Division, are not consistent with legislative intent because the Division does not have authority to increase the amount of wine gallons available to sample; and

WHEREAS, the Legislature finds that it is in the public interest to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that the pending rules adopted by the Idaho State Racing Commission, the Idaho State Liquor Division, the Idaho Public Utilities Commission, and the Endowment Fund Investment Board, pursuant to the Administrative Procedure Act and submitted through the Office of the Administrative Rules Coordinator to the Legislature for review during the 2024 legislative session and reviewed by the Senate State Affairs Committee and the House State Affairs Committee, be, and the same are hereby approved with the exception of IDAPA 15.10.01, Rules of the Idaho State Liquor Division, Docket No. 15-1001-2301, Section 021., Subsection 09., only.

Adopted by the House April 2, 2024

Adopted by the Senate April 3, 2024

CERTIFICATE OF SECRETARY OF STATE

UNITED STATES OF AMERICA)
) ss.
STATE OF IDAHO)

I, PHIL MCGRANE, Secretary of the State of Idaho, do hereby certify that the foregoing printed pages contain true, full, and correct and literal copies of all the general laws and resolutions passed by the Sixty-seventh Legislature of the State of Idaho, Second Regular Session thereof, which convened on January 8, 2024, and which adjourned on April 10, 2024, as they appear in the enrolled acts and resolutions on file in this office, all of which are published by authority of the Laws of the State of Idaho.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Idaho. Done at Boise City, the Capital of Idaho, this third day of May, 2024.

Secretary of State

When errors appear in the enrolled bills received from the Legislature at the office of the Secretary of State, this office has no authority to correct them.

EXECUTIVE ORDERS

EXECUTIVE ORDER NO. 2023-03IDAHO OUTDOOR RECREATION FUND ADVISORY COUNCIL

WHEREAS, Idaho is experiencing a surge in outdoor recreation with historic numbers of users visting State Parks, hiking, biking and riding trails, boating, using off-highway vehicles, and hunting and fishing on public and private lands; and

WHEREAS, the U.S. Bureau of Economic Analysis estimates outdoor recreation provides a \$2.8 billion annual boost to Idaho's economy, supporting more than 37,000 jobs and fueling rural economies throughout the state; and

WHEREAS, this dramatic uptick in outdoor recreation creates opportunities and challenges as Idaho must contend with serving the needs of millions of new recreationists while also preserving and protecting the special places and natural features that make Idaho's outdoors great; and

WHEREAS, the State of Idaho recognizes the unintended impacts outdoor recreation can have on rural Idaho, lacking the infrastructure, resources, and revenue streams to support increased recreationists; and

WHEREAS, continued investment, support and coordination is key to the successful and responsible growth of outdoor recreation in Idaho.

NOW, THEREFORE, I, Brad Little, Governor of the State of Idaho, pursuant to the Constitution and laws of Idaho, hereby recognize the Idaho Outdoor Recreation Fund Advisory Council as a group to expand access and opportunities on state and other public lands in Idaho.

1. The Council will advise the Governor and the Idaho Parks and Recreation Board on projects and policies that support expanded access to outdoor recreation opportunities in Idaho.
 - a. The Council will recommend projects that expand opportunities for camping, fishing, hunting, accessing trails and other outdoor pursuits by utilizing \$5 million from Senate Bill 1196 in the Fiscal Year 2024 Idaho Department of Parks and Recreation Budget for inter-agency collaborative projects.
 - b. Specifically, the Idaho Department of Parks and Recreation, Idaho Department of Fish and Game and the Idaho Department of Lands will work together to propose projects, manage under-utilized resources to enhance recreational access, and monetize outdoor recreation for long-term sustainability.
2. The duties of the Council are advisory to the Governor and the Idaho Parks and Recreation Board to develop additive outdoor recreation access and capacity in the State of Idaho. Final action on the proposals accepted by the Governor shall be presented to the Idaho Parks and Recreation Board for review and approval.
3. The Council will focus on statewide outreach and educational efforts to create a better understanding of the importance of where outdoor recreation opportunities are most needed, geographically.
4. The Idaho Parks and Recreation Board shall set forth criteria for projects considered by the Council.
5. The following thirteen (13) members are hereby appointed to the Council and will serve at the pleasure of the Governor:
 - a. Director of the Idaho Department of Parks and Recreation or their designee
 - b. Director of the Idaho Department of Fish and Game or their designee

- c. Director of the Idaho Department of Lands or their designee
- d. Representative of the Idaho State Senate
- e. Representative of the Idaho State House of Representatives
- f. Representative of the Idaho Rangeland Resources Commission
- g. Representative of rural Idaho communities
- h. Representative from the recreation community
- i. Representative from the sportsmen community
- j. Representative from the agricultural community
- k. Representative from the forestry or mining community
- l. Representative from the business community
- m. Representative from the conservation community
 - i. The Governor will appoint one (1) non-agency Council member to serve as Chairman.
 - ii. Non-agency members will be appointed by the Governor and serve at the pleasure of the Governor.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 26th day of July, in the year of our Lord two thousand and twenty-three, and of the Independence of the United States of America the two hundred forty-eighth, and of the Statehood of Idaho the one hundred thirty-fourth.

/s/ Brad Little

BY THE GOVERNOR:

GOVERNOR OF THE STATE OF IDAHO

/s/ Phil McGrane
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2023-04

DIRECTING THE IDAHO DEPARTMENT OF HEALTH AND WELFARE TO SUPPORT
IDAHO SUICIDE PREVENTION ACTION COLLECTIVE IN MONITORING AND IMPLEMENTING
THE IDAHO SUICIDE PREVENTION PLAN

WHEREAS, Idaho is consistently among the highest states for number of suicide deaths per capita; and

WHEREAS, in 2021, 387 people died by suicide in Idaho, a rate of 20.4 per 100,000 population; and

WHEREAS, the rate of death by suicide is particularly high in Idaho's rural areas;

WHEREAS, the Idaho Suicide Prevention Action Collective (ISPAC) was established in 2018 by the Idaho Suicide Prevention Council to develop and support implementation of a suicide prevention action plan for the state;

NOW, THEREFORE, I, Brad Little, Governor of the State of Idaho, by the authority vested in me under the Constitution and laws of the State of Idaho, do hereby order that:

1. The Idaho Suicide Prevention Action Collective is established as a public/private partnership of stakeholders committed to reducing suicide in Idaho.
2. The Collective shall:
 - a. Promote suicide prevention, intervention, and postvention services in all regions of the State;
 - b. Collaborate with the Department of Health and Welfare's Suicide Prevention Program as well as other public and private organizations to fulfill the current statewide Idaho Suicide Prevention Plan goals;
 - c. Monitor implementation of the Idaho Suicide Prevention Plan and update the plan at least once every five (5) years to ensure relevance and effectiveness in promoting suicide prevention awareness and reducing suicide attempts and deaths;
 - d. Collaborate with the Department of Health and Welfare's Suicide Prevention Program to provide an annual report on the status of Idaho Suicide Prevention Plan goals and accomplishments. The Department of Health and Welfare shall submit the report to the Legislative Services Office and Governor's Office by November 1 of each year;
 - e. Operate in accordance with the mission and bylaws set forth by the Collective's Charter and Membership agreement.
3. The Collective's membership will be appointed by the Steering Committee of the Idaho Suicide Prevention Action Collective. Membership may include, but is not limited to:
 - a. A representative of the office of the Governor;
 - b. A member of the Idaho House of Representatives;
 - c. A member of the Idaho Senate;
 - d. A representative of the Department of Health and Welfare Division of Public Health Suicide Prevention Program;
 - e. A representative of the Department of Health and Welfare Division of Behavioral Health;
 - f. A representative of the Department of Corrections OR Juvenile Justice;
 - g. A representative of the Department of Education, a School District OR Institution of Higher Education;
 - h. A representative of Veterans Affairs OR Veterans Services;
 - i. A Law Enforcement Officer OR First Responder;
 - j. A County Coroner;
 - k. A representative of each of the five Federally Recognized Tribes located in the state of Idaho;
 - l. A representative of a Hospital System OR Medical Provider;
 - m. A representative of a Suicide Prevention Advocacy Organization;
 - n. A suicide Attempt OR Loss Survivor;

- o. Four (4) additional representatives of groups at elevated risk of suicide.

Members of the Collective shall serve without compensation but shall be reimbursed by the Department of Health and Welfare for actual travel expenses not to exceed State of Idaho guidelines.

- 4. The Collective shall receive administrative staff support from the Department of Health and Welfare.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho in Boise on this 27th day of September, in the year of our Lord two thousand and twenty-three and of the Independence of the United States of America the two hundred forty-eighth and of the Statehood of Idaho the one hundred thirty-fourth.

/s/ Brad Little

BY THE GOVERNOR:

GOVERNOR OF THE STATE OF IDAHO

/s/ Phil McGrane
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2023-05

ESTABLISHING THE GOVERNOR'S COMMISSION ON SERVICE AND VOLUNTEERISM

WHEREAS, there is a compelling need for more civic participation to solve community and state problems and to address many unmet social, environmental, educational, and disaster preparedness needs; and

WHEREAS, promoting the capability of Idaho's people, communities, and enterprises to work together is vital to the long-term prosperity of the state; and

WHEREAS, building and encouraging community collaboration and service is an integral part of the state's future well-being and requires cooperative efforts by the public and private sectors; and

WHEREAS, the development of a National Service Program in Idaho requires an administrative vehicle conforming with federal guidelines as set forth in the National and Community Service Trust Act of 1993 as reauthorized and reformed by the Serve America Act of 2009;

NOW, THEREFORE, I, Brad Little, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution and laws of this state do hereby order:

1. The Governor's Commission on Service and Volunteerism will be known as Serve Idaho with a tag line stating, "The Governor's Commission on Service and Volunteerism."
2. Serve Idaho ("the Commission") is hereby established to advise and assist in the development and implementation of a comprehensive, statewide plan for promoting volunteer involvement and citizen participation in Idaho, as well as to serve as the state's liaison to national, state and community organizations that support the intent of the Serve America Act of 2009 ("the Act").

3. The Commission will be comprised of no fewer than 15 and no more than 25 voting members to be appointed by the Governor in compliance with federal guidelines as described in the Act and as detailed below:
 - a. The Commission's membership shall include:
 - i. A representative from a community-based agency or organization in the state;
 - ii. The head of the state education agency or his/her designee;
 - iii. A representative from county or city government;
 - iv. A representative from local labor organizations;
 - v. A representative from the business sector;
 - vi. A representative from a national service program;
 - vii. A representative from the volunteer sector;
 - viii. An individual between the ages of 16 and 25, who is a participant in or supervisor of a service program for school-age youth or a campus-based or national service program;
 - ix. An individual with expertise in the educational, training, and development needs of youth, particularly disadvantaged youth;
 - x. An individual with experience in promoting the involvement of older adults (age 55 and older) in service and volunteerism;
 - xi. The Corporation for National and Community Service ("Corporation") will designate one of its employees to serve as an ex-officio member on the Commission;
 - b. Other members may include educators, including representatives from institutions of higher education and local education agencies; experts in the delivery of human, educational, environmental, or public safety services; representatives of Indian tribes; out-of-school youth or at-risk youth; and representatives of programs that are administered or receive assistance under the Serve America Act.
 - c. All members of the Commission shall serve at the pleasure of the Governor.
 - d. Not more than 25 percent of the Commission members may be employees of state government, though the Governor may appoint additional state agency representatives to sit on the Commission as non-voting ex-officio members. Members may not vote on issues affecting organizations for which they have served as a staff person or volunteer at any time during the preceding 12 months.

- e. Not more than 50 percent of the Commission plus one member may be from the same political party. To the maximum extent predictable, membership of the Commission shall be diverse with respect to race, ethnicity, age, gender, religion, and disability characteristics. Members will serve for a term of three years. One-third of the appointments to the first Commission will serve terms of one year; one-third will serve terms of two years; and one-third will serve terms of three years. Vacancies among the members shall be filled by the Governor to serve for the remainder of the unexpired term.
 - f. The Commission will elect from among its members a chairperson.
4. The Commission will have the following duties and responsibilities:
- a. To develop a three-year comprehensive national and community service plan and establish state priorities;
 - b. To administer a competitive process to select national service programs to be included in an application to the Corporation for National and Community Service for funding;
 - c. To prepare an application to the Corporation to receive funding and/or educational awards for the programs designated in the Act;
 - d. To maintain fiduciary responsibility in the administration of all funds awarded by the Corporation for National and Community Service and other entities and to oversee and monitor the performance and progress of all programs and initiatives. The Department of Labor will serve as Idaho's fiscal agent;
 - e. To implement, in conjunction with the Corporation, comprehensive, non-duplicative evaluation and monitoring systems;
 - f. To assist in the development of programs pursuant to the Act;
 - g. To develop mechanisms for recruitment and placement of people interested in participating in national service programs;
 - h. To assist in the provision of health and childcare benefits to eligible program participants as specified by the regulations pertaining to the Act;
 - i. To make recommendations to the Corporation with respect to priorities within the state for programs receiving assistance pursuant to the Act;
 - j. To coordinate with other state agencies that administer federal financial assistance programs under the Community Service Block Grant Act (42 U.S.C. 9901 et seq.) or other appropriate federal financial assistance programs;
 - k. To coordinate its functions with any division of the Corporation, that carries out volunteer service programs in the state;
 - l. To provide technical assistance to agencies, corporations, and other organizations seeking to develop, strengthen or expand their ability to meet critical needs of the community through service;

- m. To reach out to and partner with national foundations and other organizations that support the intent of the Act and Serve Idaho;
 - n. Other activities as determined by the Governor to be necessary for the development and implementation of programs that enhance national and community service;
5. Serve Idaho shall reside within the Idaho Department of Labor, and the Department shall serve as the host agency for administration of the Commission. The Director of the Department shall appoint one (1) Commission Administrator and up to five (5) Commission staff members.
- a. The Commission Administrator and all Commission staff shall be non-classified employees of the Department.
 - b. The Commission Administrator shall select and supervise Commission staff members according to the Department's personnel policies and procedures.
 - c. Evaluation of Commission staff members will be the responsibility of the Commission Administrator.
 - d. Evaluation of the Commission Administrator will be the joint responsibility of the Director and the Commission Chair.
6. The Commission and its activities shall be funded from federal, state, and other revenues appropriated to Serve Idaho. The Commission is authorized to accept funds, including public and private gifts and in-kind services from other state and private entities.
7. The Commission shall meet at least quarterly. Failure to attend at least 75 percent of the meetings in any calendar year may result in removal from the Commission. A quorum shall consist of a simple majority of voting members.
8. In the circumstance the Commission fails to receive funding from the Corporation for National and Community Service, the Commission will cease to exist.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho in Boise on this 19th day of October in the year of our Lord two thousand and twenty-three and of the Independence of the United States of America the two hundred forty-eighth and of the Statehood of Idaho the one hundred thirty-fourth.

/s/ Brad Little

GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ Phil McGrane
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2024-01CONTINUING THE IDAHO BEHAVIORAL HEALTH COUNCIL

WHEREAS, on February 19, 2020, the Idaho Supreme Court and leaders from the Legislative Branch joined me as I signed an executive order creating the Idaho Behavioral Health Council ("Council"). The Council was to be a collaborative effort with all three branches working to address the behavioral health needs of Idahoans. In support of this three-branch effort and the Council's creation, the Idaho Supreme Court issued a proclamation and the Sixty-fifth Idaho Legislature adopted Senate Concurrent Resolution 126 (2020); and

WHEREAS, all three branches of state government recognized at that time the tremendous social and economic value would inure to the people of Idaho with the strategic development of a more effective behavioral health system that was devised, implemented, and sustained statewide; and

WHEREAS, all three branches of state government further recognized that the separate branches of Idaho government, local governments, and community partners play an integral role together in ensuring a reliable and productive behavioral health system for the people of Idaho; and

WHEREAS, in nearly four (4) years of existence, the Council has recommended numerous policy accomplishments that have been successfully enacted, adopted, and funded, including, but not limited to:

1. Strengthening the state's crisis response system by establishing the 988 statewide crisis and suicide hotline and funding four (4) youth crisis centers across the state.
2. Supporting and facilitating partnerships to stand up five (5) Certified Community Behavioral Health Centers based on the successful nationwide model to provide comprehensive behavioral health care.
3. Sponsoring Sequential Intercept Model (SIM) workshops in each of the seven (7) judicial districts, empowering local stakeholders to implement action plans to improve local access to behavioral health resources, such as connecting additional services to individuals leaving jail or the crisis center.
4. Developing a Behavioral Health Workforce Plan, resulting in the Recovery Coach Academy, the Behavioral Health Center of Excellence, and other initiatives to expand the number and quality of credentialed behavioral health care workers.
5. Opening Safe Teen Assessment Centers, including in rural areas, to provide a resource for law enforcement, schools, and families to prevent and divert youth from entering the juvenile justice or child welfare systems.
6. Providing funding to stand up three Psychiatric Residential Treatment Facilities (PRTF) in Idaho to bring home over one hundred (100) children/youth being cared for in other states.
7. Improving the civil commitment process by passing Senate Bill 1327 (2022) and drafting further revisions to be proposed in future legislative sessions; and

WHEREAS, in 2021, recognizing the success of the Council in recommending the statewide strategic plan, Idaho Code § 57-825 was enacted empowering the Council to make recommendations to the Governor and the Legislature on how moneys deposited in the State-Directed Opioid Settlement Fund should be used; and

WHEREAS, Idaho has demonstrated a commitment to improving the behavioral health system and has previously made considerable improvements to the system; and

WHEREAS, notwithstanding these significant improvements and investments-particularly over the last four (4) years-it is in the best interest of all Idahoans that the Council be reauthorized so that it can lead and coordinate across all branches and levels of government, and make recommendations to policymakers for the continued improvement of the state's behavioral health system;

NOW, THEREFORE, I, Brad Little, Governor of the State of Idaho, by virtue of the authority vested in me under the Constitution and the laws of the State of Idaho, do hereby order that Executive Order 2020-04-A is repealed and replaced by this order, and in so doing do also order that:

1. The Idaho Behavioral Health Council is authorized to continue as provided in this order.
2. The scope and mission of the Council is to:
 - a. Bring together all three branches of state government, local governments, and community partners to develop and recommend an updated statewide strategic plan;
 - b. Oversee the implementation of the approved statewide strategic plan, ensuring an effective, efficient, recovery-oriented behavioral healthcare system for all Idahoans in need of those services; and
 - c. In compliance with Idaho Code § 57-825, make recommendations to the Governor and the Legislature how moneys deposited in the State-Directed Opioid Settlement Fund should be used.
3. The statewide strategic plan will:
 - a. Define a plan to inventory current expenditures, utilization, and accessibility;
 - b. Assess the effectiveness and efficiency of the current system, giving emphasis to:
 - i. where more efficient organization and effective coordination of existing resources could create better outcomes; and
 - ii. the recommendations of the Council that have been adopted, enacted, or funded;
 - c. Determine Idaho citizen's unique needs via broad stakeholder input and known best practices; and
 - d. Recommend actions that will materially improve Idaho's behavioral health system.
4. The Council will produce an updated statewide strategic plan recommendation by October 31, 2024, which will be delivered to the Governor, the Chief Justice, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate.
5. The Council shall consist of fourteen (14) members. The Council's membership shall be as follows:
 - a. Ex Officio Members:
 - i. The Administrative Director of the State Courts or designee;
 - ii. The Director of the Idaho Department of Correction or designee;

- iii. The Director of the Idaho Department of Health and Welfare or designee;
 - iv. The Director of the Idaho Department of Juvenile Corrections or designee; and
 - v. The Executive Director of the Idaho Commission of Pardons and Parole.
- b. Members appointed by the Governor:
- i. A representative from the Idaho Department of Education;
 - ii. One (1) county elected official; and
 - iii. One (1) member of the public.
- c. Members appointed by the Chief Justice:
- i. A judge who has experience presiding over a treatment court; and
 - ii. One (1) member of the public.
- d. Members from the Legislature, who shall serve during their legislative terms of office:
- i. One (1) member of the House of Representatives appointed by the Speaker of the House of Representatives;
 - ii. One (1) member of the House of Representatives appointed by the Minority Leader of the House of Representatives;
 - iii. One (1) senator appointed by the President Pro Tempore of the Senate; and
 - iv. One (1) senator appointed by the Minority Leader of the Senate.
6. The Director of the Department of Health and Welfare or designee and the Administrative Director of the State Courts or designee shall serve as co-chairs of the Council.
7. All members of the Council, except ex officio members, serve at the pleasure of their respective appointing authority.
8. The Council shall receive administrative support from the agencies or departments represented by the co-chairs of the Council.
9. The Council shall create an advisory board to assist and advise the Council. The Council should consider including on the advisory board, but is not limited to, the following:
- a. An adult consumer of behavioral health services;
 - b. Family of a child consumer of behavioral health services;
 - c. A representative from the Idaho Medical Association Primary Care;
 - d. A representative from the Idaho Psychiatric Association;
 - e. A representative from the Idaho Hospital Association;
 - f. A substance use disorder provider;
 - g. A mental health provider;
 - h. A representative from a public health district;

- i. A representative from the Idaho Sheriff's Association;
- j. A representative from the Idaho Chiefs of Police Association;
- k. A representative from the Idaho Prosecuting Attorney's Association;
- l. Appellate and/or trial-level public defenders;
- m. A representative from the Office of Drug Policy;
- n. At least one (1) tribal representative; and
- o. Any additional advisory board members the Council deems necessary.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 31st day of January, in the year of our Lord two thousand and twenty-four, and of the Independence of the United States of America the two hundred forty-eighth, and of the Statehood of Idaho the one hundred thirty-fourth.

/s/ Brad Little

BY THE GOVERNOR:

GOVERNOR OF THE STATE OF IDAHO

/s/ Phil McGrane
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2024-02

CONTINUING THE WORKFORCE DEVELOPMENT COUNCIL

WHEREAS, the economic future of Idaho and the prosperity of its residents depends upon the ability of businesses in Idaho to compete in the world economy; and

WHEREAS, a well-educated and highly skilled workforce provides Idaho employers with a competitive edge critical for their success; and

WHEREAS, Idaho is committed to preparing its current and future workforce with the skills necessary for the 21st century; and

WHEREAS, empowering business, labor, and community leaders to take a more active and strategic role in crafting the state's economic and workforce development policy will enhance the quality and responsiveness of these programs; and

WHEREAS, a comprehensive workforce development strategy for Idaho will improve planning and oversight functions; increase public awareness of and access to workforce development education and training opportunities; improve the effectiveness, quality and coordination of services designed to maintain a highly skilled workforce; and help provide for the most efficient use of federal, state and local workforce development resources; and

WHEREAS, the Governor's Workforce Development Task Force recommended that the State of Idaho "increase the role and responsibilities of an industry-driven Workforce Development Council ("Council") to champion the development and implementation of a statewide strategic workforce development plan that meets industries' needs today and tomorrow;" and

WHEREAS, the Governor is empowered by I.C. § 72-1201(1) to prescribe the structure, duties and functions of the Council.

NOW, THEREFORE, I, Brad Little, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution and laws of this state do hereby order that:

1. The Workforce Development Council (the "Council") is established within the Executive Office of the Governor in accordance with Section 101 (a) of the Workforce Innovation and Opportunity Act ("WIOA") of 2014 and as provided in Chapter 12, Title 72, Idaho Code, to coordinate efforts and direct public outreach and engagement in support of improving the quality of and access to workforce education and training programs throughout Idaho.
2. The Council shall consist of thirty-seven (37) members, consistent with federal nomination and composition requirements set forth in section 101 (b) of WIOA. The Council's membership shall be as follows:
 - a. Seventeen (17) positions appointed by the Governor representing industry and nominated by statewide and regional business organizations;
 - b. Seven (7) positions appointed by the Governor representing the workforce, including two (2) labor union representatives, two (2) registered apprenticeship program representatives, one (1) representative of a community-based organization for veterans, one (1) representative of a community-based organization for individuals with disabilities, and one (1) representative of a community-based organization for out-of-school youth;
 - c. Ten (10) positions appointed by the Governor representing government, including representatives from the Department of Labor, State Board of Education, State Department of Education, Division of Career-Technical Education, Division of Vocational Rehabilitation, Department of Health and Welfare, Department of Commerce, an elected city official, an elected county official, and a community college representative;
 - d. One (1) member from each chamber of the Idaho Legislature, including a member of the Senate appointed by the Senate President Pro Tem, and a member of the House of Representatives appointed by the House Speaker; and
 - e. The Governor or his designee.
3. The Governor shall name the chair and vice chair from among industry members of the Council.
4. The Council's members shall serve at the pleasure of the Governor, and their appointments shall be for three-year terms.
5. The Council shall be staffed by an executive director appointed by the Governor and such additional personnel as shall be appointed by the executive director.
6. The Council will be responsible for advising the Governor, Legislature and appropriate executive agencies on matters related to developing and implementing a comprehensive workforce development strategy for Idaho that:
 - a. Increases public awareness of and access to career education and training opportunities;

- b. Improves the effectiveness, quality and coordination of programs and services designed to maintain a highly skilled workforce;
 - c. Helps provide for the most efficient use of federal, state and local workforce development resources;
7. The Council will assist the Governor in fulfilling the requirements of the State Workforce Investment Board as set forth in WIOA.
 8. The Council shall be responsible for developing and overseeing procedures, criteria, and performance measures for the Workforce Development Training Fund.
 9. The Council may empanel special committees, appointed by the chair. Special committee members may include non-Council members who have special knowledge and qualifications to be of assistance to the Council.
 10. The Council shall meet quarterly. An Executive Committee made up of the chair, vice chair, three (3) additional Council members representing industry and a representative of a labor union should meet monthly. The Executive Committee members shall be appointed by the Governor. The Executive Committee is authorized to act on the Council's behalf as necessary and shall report its actions at the Council's next regular meeting.
 11. The lawful actions of the Council, the Executive Committee, or subcommittees of the Council taken pursuant to Executive Order 2019-08 on or after May 31, 2023, through today's date, are authorized nunc pro tunc by this order.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 31st day of January, in the year of our Lord two thousand and twenty-four, and of the Independence of the United States of America the two hundred forty-eighth, and of the Statehood of Idaho the one hundred thirty-fourth.

/s/ Brad Little

BY THE GOVERNOR:

GOVERNOR OF THE STATE OF IDAHO

/s/ Phil McGrane
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2024-03CONTINUING THE JUVENILE JUSTICE COMMISSION

WHEREAS, the State of Idaho, in accordance with the provisions of the Juvenile Justice and Delinquency Prevention Act of 1974, 34 U.S.C. §§ 11101-11313 ("JJJPA"), as amended and reauthorized, is required to designate a state agency to supervise and administer Idaho's plan under the JJJPA and to establish a state juvenile justice advisory group; and

WHEREAS, in 1995 the Legislature enacted the Juvenile Corrections Act, Chapter 5, Title 20, Idaho Code, which created the Department of Juvenile Corrections ("Department") and amended existing law to create a juvenile corrections system based on principles of accountability, community protection, and competency development; and

WHEREAS, since Idaho's Juvenile Corrections Act was enacted, Idaho Governors have concluded that the purposes and intent of the Juvenile Corrections Act and the JJJPA were best served by the Department operating the Idaho Juvenile Justice Commission ("Commission"); and

WHEREAS, the Department is the sole agency for supervising the preparation and administration of Idaho's plan under the JJJPA and the Commission functions as the advisory group referenced in Section 34 U.S.C. 11133 (a) (3).

NOW, THEREFORE, I, Brad Little, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution and laws of this state do hereby order that:

1. The Juvenile Justice Commission is authorized to continue as provided in this order.
2. The membership of the Commission shall be in conformity with the JJJPA. The chairman, vice-chairman, and members of the Commission shall be appointed by and serve at the pleasure of the Governor. Members shall serve a term of three years. The chairman and vice-chairman shall serve in such capacities for three years.
3. The Commission shall perform the following functions:
 - a. Advise the Department on juvenile justice and delinquency prevention issues;
 - b. Participate in the development and review of Idaho's plan under the JJJPA;
 - c. Be afforded an opportunity to review and comment on all grant applications under the JJJPA submitted by the Department;
 - d. Ensure compliance with the core protections of the JJJPA by jurisdictions with public authority in Idaho through education, technical assistance, monitoring and remedial actions for violations;
 - e. Perform such other duties that the JJJPA requires to be performed by the advisory group referenced in Section 34 U.S.C. 11133 (a) (3) and Section 28 C.F.R 31.102 (b); and
 - f. Perform such other duties as requested by the director of the Department, which may include submitting reports to the director of the Department and making decisions on grant applications under the JJJPA submitted to the Department.

4. The lawful actions of the Commission and the Department taken pursuant to Executive Order 2019-12 on or after September 5, 2023, through today's date, are authorized nunc pro tunc by this order.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 30th day of January, in the year of our Lord two thousand and twenty-four, and of the Independence of the United States of America the two hundred forty-eighth, and of the Statehood of Idaho the one hundred thirty-fourth.

/s/ Brad Little

BY THE GOVERNOR:

GOVERNOR OF THE STATE OF IDAHO

/s/ Phil McGrane
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2024-04

OPERATION ESTO PERPETUA

WHEREAS, in my 2022 State of the State Address, I announced Operation Esto Perpetua to bring together law enforcement, lawmakers, local government, tribes, families, and the public in new ways with the goal to reduce the flow of fentanyl and methamphetamine into the State of Idaho; and

WHEREAS, from the early of work of Operation Esto Perpetua came the highly successful Fentanyl Takes All campaign, which metrics show had a demonstrable impact on how young people and parents view and respond to the threat of fentanyl; and

WHEREAS, from the missions to the Texas border, troopers honed their skills at drug interdiction, which they have returned and implemented in Idaho; and

WHEREAS, the crisis at the border has only worsened since 2022. The surge in overdose deaths in Idaho is directly related to the proliferation of illegal fentanyl which in nearly every circumstance originates outside of this country and comes to Idaho through the open border or through another weak point in this nation's defenses; and

WHEREAS, a parallel problem to drug smuggling is human trafficking where vulnerable people are exploited or smuggled by bad actors to gain illegal entry into the United States or otherwise appropriated for illegal or immoral ends; and

WHEREAS, I announced in my State of the State Address this year that Operation Esto Perpetua would continue with an expanded mission to address both drugs and human trafficking;

NOW, THEREFORE, I, Brad Little, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution and laws of this state do hereby order that:

1. Operation Esto Perpetua is authorized to continue as outlined in this order.
2. The objective of Operation Esto Perpetua will be two-fold: to combat the flow of illegal drugs into Idaho and to combat the scourge of human trafficking in all its forms, including sex trafficking, labor trafficking, human smuggling, and all other appropriation of vulnerable children and adults.
3. A Citizens Action Group is hereby created and will be comprised as follows:
 - a. Appointed by the Governor:
 - i. A representative from an Idaho Indian tribe;
 - ii. A mayor of a city;
 - iii. A county commissioner;
 - iv. A member of the Idaho House of Representatives;
 - v. A member of the Idaho Senate; and
 - vi. Any additional public members that the Governor sees fit to appoint.
 - b. Ex-officio members:
 - i. The Lieutenant Governor;
 - ii. The Director of the Idaho State Police; and
 - iii. The Administrator of the Office of Drug Policy.
4. The Citizens Action Group will gather information about the severity of the threat of drug proliferation and human trafficking in Idaho, as well as ideas to combat it and the needed tools to respond. The Citizens Action Group will hear from Idahoans about their personal experiences with the effects of drugs on Idahoans and Idaho communities, where human trafficking issues exist in Idaho, and how to treat victims of human trafficking and connect them with services to break the cycle of exploitation.
5. The Citizens Action Group will report to the Governor its findings. That report will be delivered to the Governor and reviewed with advisors drawn from Idaho law enforcement and service providers to make policy recommendations.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 14th day of February, in the year of our Lord two thousand and twenty-four, and of the Independence of the United States of America the two hundred forty-eighth, and of the Statehood of Idaho the one hundred thirty-fourth.

/s/ Brad Little

GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ Phil McGrane
SECRETARY OF STATE

INDEX

CONTENTS

Subject Index	1152
Code Index	1188
Numerical Index of Laws by Bill Number	1219
Numerical Index of Senate and House Joint Memorials and Concurrent Resolutions	1226
Numerical Index of Constitutional Amendments	1227
Numerical Index of Executive Orders	1228

INDEX

SUBJECT INDEX

ABBREVIATIONS USED IN THIS INDEX

Approp = Appropriation	Assn = Association
Bd = Board	Com = Commission
Comm = Committee	Dept = Department
DEQ = Department of Environmental Quality	
Dist = District	Div = Division
F&G = Fish and Game	Govt = Government
H&W = Health and Welfare	PUC = Public Utilities Commission
PERSI = Public Employee Retirement System of Idaho	
UCC = Uniform Commercial Code	Univ = University

ABORTION

Abortion prohibited in sex education curricula, amend.. Ch.177 - 663

ACCIDENTS

See EMERGENCIES

ACTS

Commercial property assessed capital expenditure, new.. Ch.239 - 850

End organ harvesting act, organs from china, new..... Ch.318 - 1051

Rangeland improvement act, new..... Ch. 47 - 254

ACUPUNCTURE AND ACUPUNCTURIST

See HEALTH CARE PROFESSIONS AND PROVIDERS

ADMINISTRATION DEPARTMENT

Dept of admin, maintenance, approp..... Ch. 10 - 92

Dept of admin, property disposal, additional, approp... Ch.330 - 1089

Reject agency rules, dept of admin, div of purchasing.. HCR029 - 1114

ADMINISTRATIVE HEARINGS OFFICE

Approving pending rules, administrative hearings office HCR042 - 1120

Idaho administrative procedure act, amend..... Ch.169 - 650

Office of administrative hearings, additional, approp.. Ch.136 - 537

Office of administrative hearings, maintenance, approp. Ch. 7 - 34

Public buildings and works, bids, challenges, new..... Ch.189 - 684

ADMINISTRATIVE RULES

See RULES

ADOPTION

Adoption agency, prohibit religious discrimination, new Ch.166 - 632

Adoption education, sex education, new, amend..... Ch.131 - 528

Proceedings on adoption, child protective case, amend.. Ch.142 - 547

Sale or barter of child for adoption, amend..... Ch.232 - 814

Sale or barter of child, financial assistance, amend... Ch.231 - 813

AGING, COMMISSION ON

Commission on aging, additional, approp.....	Ch.156 -	606
Commission on aging, maintenance, approp.....	Ch. 10 -	92

AGRICULTURE

Agricultural extension service, additional, approp.....	Ch.158 -	611
Agricultural protection area act, new.....	Ch.215 -	761
Annexation by cities, repeal, amend, new.....	Ch.321 -	1059
Approving pending rules, dept of agriculture.....	HCR041 -	1120
Chemigation, chemigation applicator, amend.....	Ch. 52 -	261
Dept of agriculture, additional, approp.....	Ch.246 -	872
Dept of agriculture, maintenance, approp.....	Ch. 7 -	34
Grazing leases, up to 40 years, agriculture, amend.....	Ch.102 -	466
Livestock depredation by grizzly bear and wolves, new..	Ch. 51 -	260
Plant pest act, inspect private lands, amend.....	Ch. 28 -	221
Sales tax exemption, grain bin equipment, amend.....	Ch.297 -	1004
Soil and water conservation com, additional, approp....	Ch. 66 -	332
Urban agriculture, community gardening, new.....	Ch.176 -	662
Wolf depredation control bd, compensation, amend.....	Ch.203 -	721

AIRCRAFT AND AIRPORTS

Annexation by cities, repeal, amend, new.....	Ch.321 -	1059
---	----------	------

ALCOHOLIC BEVERAGES

See LIQUOR

ANIMALS

See also WILDLIFE

CWD, cervidae, quarantine, fencing, tissue samples, new	Ch.108 -	478
Estray, trespassing, livestock, amend, new.....	Ch.263 -	916
Grazing permits, state lands, federal lands, new.....	Ch. 38 -	239
Invasive species fund, approp.....	Ch.109 -	480
Invasive species fund, conveyance definition, amend....	Ch.122 -	508
Livestock depredation by grizzly bear and wolves, new..	Ch. 51 -	260
Nonresident, antlers, horns, hunting license, new.....	Ch.255 -	895
Office of species conservation, additional, approp.....	Ch. 56 -	273
Species conservation office, maintenance, approp.....	Ch. 10 -	92
Veterinary school, livestock, idaho and utah.....	SCR111 -	1098
Wolf depredation control bd, compensation, amend.....	Ch.203 -	721

ANNEXATION

Annexation by cities, repeal, amend, new.....	Ch.321 -	1059
P&Z, comprehensive plans, areas of impact, amend.....	Ch.227 -	795

APPEALS

See also STATE APPELLATE PUBLIC DEFENDER

APPROPRIATIONS

Agricultural extension service, additional, approp.....	Ch.158 -	611
Attorney general, additional, approp.....	Ch.311 -	1036
Attorney general, additional, approp.....	Ch.312 -	1038
Bd of education, community college, additional, approp.	Ch.273 -	944
Bd of education, univ of id, additional, approp.....	Ch.128 -	516
Bd of education, univ, health ed, additional, approp...	Ch. 78 -	371
Board of tax appeals, additional, approp.....	Ch. 80 -	373
Com for the blind/visually impaired, additional, approp	Ch.182 -	669
Commission of pardons and parole, approp.....	Ch.212 -	750
Commission on aging, additional, approp.....	Ch.156 -	606

Commission on hispanic affairs, additional, approp.....	Ch.134	-	532
Commission on the arts, additional, approp.....	Ch. 57	-	274
Constitutional officers, maintenance, approp.....	Ch. 5	-	16
Defense, general, budget stabilization funds, approp...	Ch.281	-	963
Department of finance, additional, approp.....	Ch.123	-	509
Department of insurance, additional, approp.....	Ch. 98	-	443
Dept of admin, div of public works, approp.....	Ch.306	-	1028
Dept of admin, property disposal, additional, approp...	Ch.330	-	1089
Dept of agriculture, additional, approp.....	Ch.246	-	872
Dept of agriculture, invasive species, pest, approp....	Ch.109	-	480
Dept of commerce, additional, approp.....	Ch.289	-	983
Dept of correction, additional, approp.....	Ch.282	-	964
Dept of education, additional, approp.....	Ch.291	-	991
Dept of environmental equality, additional, approp.....	Ch.135	-	533
Dept of insurance, additional, approp.....	Ch.294	-	995
Dept of labor, additional, approp.....	Ch.145	-	552
Dept of lands, additional, approp.....	Ch.146	-	555
Dept of lands, additional, approp.....	Ch.320	-	1059
Dept of lands, attorney general, approp.....	Ch.299	-	1008
Dept of parks and recreation, additional, approp.....	Ch. 71	-	361
Dept of water resources, additional, approp.....	Ch.126	-	512
Div of career technical education, additional, approp..	Ch.129	-	518
Div of human resources, additional, approp.....	Ch.218	-	772
Div of occupational licenses, additional, approp.....	Ch.280	-	961
Div of vocational rehabilitation, additional, approp...	Ch.181	-	668
Division of financial management, additional, approp...	Ch. 96	-	442
Division of veterans services, additional, approp.....	Ch.143	-	550
Economic development, maintenance, approp.....	Ch. 7	-	34
Education, digital learning academy, additional, approp	Ch.276	-	950
F&G, depredation, capital projects, additional, approp.	Ch. 65	-	329
Format of annual budget requests, amend.....	Ch.132	-	529
General government, maintenance, approp.....	Ch. 10	-	92
H&W dept, additional, approp.....	Ch.262	-	912
H&W dept, independent living, maintenance, approp.....	Ch. 8	-	48
H&W dept, indirect support services, additional, approp	Ch.316	-	1047
H&W dept, medicaid, additional, approp.....	Ch.315	-	1046
H&W dept, medicaid, additional, approp.....	Ch.323	-	1068
H&W dept, public health service div, additional, approp	Ch.319	-	1055
H&W dept, welfare div, additional, approp.....	Ch.328	-	1083
H&W, public television, education, additional, approp..	Ch.193	-	688
H&W, substance abuse, mental health, additional, approp	Ch.313	-	1038
Health & social services ombudsman, H&W, approp.....	Ch.296	-	1002
ITD, right-of-way div, facilities, additional, approp..	Ch.329	-	1085
Idaho com for libraries, projects, additional, approp..	Ch. 72	-	363
Idaho public television, additional, approp.....	Ch. 70	-	360
Idaho state historical society, additional, approp.....	Ch. 74	-	365
Idaho state lottery, additional, approp.....	Ch. 73	-	364
Idaho state police, additional, approp.....	Ch.286	-	975
Industrial commission, additional, approp.....	Ch.111	-	484
Judicial branch, additional, approp.....	Ch.305	-	1025
Judicial branch, additional, approp.....	Ch.326	-	1079
Judicial branch, maintenance, approp.....	Ch.103	-	468
Juvenile corrections, additional, approp.....	Ch.211	-	748
Legislative branch, maintenance, approp.....	Ch. 11	-	102
Legislative services office, additional, approp.....	Ch.119	-	505
Legislative services office, additional, approp.....	Ch.324	-	1073

Military division, additional, approp.....	Ch. 81 -	374
Natural resources, maintenance, approp.....	Ch. 6 -	21
Office of administrative hearings, additional, approp..	Ch.136 -	537
Office of drug policy, additional, approp.....	Ch. 77 -	370
Office of energy/mineral resources, additional, approp.	Ch. 49 -	258
Office of information technology, additional, approp...	Ch. 55 -	272
Office of lieutenant governor, additional, approp.....	Ch. 97 -	442
Office of species conservation, additional, approp.....	Ch. 56 -	273
Office of state public defender, additional, approp....	Ch.137 -	538
Office of the governor, additional, approp.....	Ch.283 -	971
Office of the secretary of state, additional, approp...	Ch. 95 -	441
PERSI, additional, approp.....	Ch.125 -	511
Public charter school commission, additional, approp...	Ch. 79 -	373
Public safety related, maintenance, approp.....	Ch. 3 -	4
Public schools educational, div of teachers, approp....	Ch.293 -	994
Public schools, HB460, approp.....	Ch.303 -	1019
Public schools, deaf and blind education, approp.....	Ch.226 -	794
Public schools, education, facilities, approp.....	Ch.292 -	993
Public schools, education, maintenance, approp.....	Ch.205 -	723
Public utilities commission, additional, approp.....	Ch. 91 -	430
STEM action center, additional, approp.....	Ch.171 -	653
Soil and water conservation com, additional, approp....	Ch. 66 -	332
State appellate public defender, additional, approp....	Ch.138 -	539
State bd of ed, univ of idaho, additional, approp.....	Ch.275 -	948
State board of education, additional, approp.....	Ch.197 -	702
State board of education, additional, approp.....	Ch.271 -	943
State board of education, maintenance, approp.....	Ch. 12 -	104
State commissioners salaries, approp.....	Ch.245 -	870
State controller, additional, approp.....	Ch.309 -	1034
State controller, additional, approp.....	Ch.124 -	510
State independent living council, additional, approp...	Ch.144 -	551
State liquor division, additional, approp.....	Ch. 99 -	444
State tax commission, additional, approp.....	Ch. 48 -	256
State treasurer, additional, amend.....	Ch. 94 -	440
Workforce development council, additional, approp.....	Ch.310 -	1035
ARCHITECTURE AND ARCHITECTS		
Architects, response to qualification request, amend...	Ch. 35 -	236
ARTS		
Commission on the arts, additional, approp.....	Ch. 57 -	274
Commission on the arts, maintenance, approp.....	Ch. 10 -	92
ASSESSMENTS AND ASSESSORS		
Ground water district, irrigation, assessments, amend..	Ch. 60 -	286
Reading indicator assessment exemption, amend.....	Ch. 29 -	222
ASSISTED LIVING, NURSING HOMES, AND RESIDENTIAL CARE		
See also HEALTH CARE FACILITIES		
ASSOCIATIONS		
Community manager, homeowner's assn, conflict, amend...	Ch.214 -	759
Community resident associations, amend.....	Ch.127 -	515
Homeowner's association, transfer fee, amend.....	Ch.162 -	618
ATTORNEY GENERAL		
Attorney general, additional, approp.....	Ch.311 -	1036
Attorney general, additional, approp.....	Ch.312 -	1038
Attorney general, maintenance, approp.....	Ch. 5 -	16

Dept of lands, attorney general, approp.....	Ch.299	-	1008
Dept of lands, hire general counsel, new.....	Ch.210	-	747
ATTORNEYS			
Counsel, children, indigent clients, cost, amend, new..	Ch.270	-	936
Guardian ad litem, divorce proceedings, amend.....	Ch.233	-	815
AUTOMOBILES			
See MOTOR VEHICLES			
BALLOTS			
See ELECTIONS			
BANKS AND FINANCIAL INSTITUTIONS			
Idaho credit union act, amend.....	Ch.130	-	520
BARBERS			
Barber & cosmetology, hairpieces, toupees, wigs, amend	Ch.155	-	602
BEER AND BREWERIES			
See LIQUOR			
BIDS			
Div of purchasing, appeals, judicial review, amend.....	Ch.207	-	739
Public buildings and works, bids, challenges, new.....	Ch.189	-	684
BLIND			
Com for the blind, maintenance, approp.....	Ch. 10	-	92
Com for the blind/visually impaired, additional, approp	Ch.182	-	669
Public schools, deaf and blind education, approp.....	Ch.226	-	794
BOARDS			
Allied health advisory board, new.....	Ch. 61	-	288
Approving pending rules, state bd of tax appeals.....	HCR047	-	1123
Approving pending rules, state brand board.....	HCR041	-	1120
Bd of county com, property sale, exchange, tax deed, am	Ch. 22	-	173
Board of tax appeals, additional, approp.....	Ch. 80	-	373
Endowment fund investment bd, additional, approp.....	Ch.146	-	555
Idaho rural development partnership, amend, repeal.....	Ch.202	-	717
Immunization assessment bd, extend sunset date, amend..	Ch. 75	-	366
School bd meetings, public charter schools, amend.....	Ch.133	-	531
School bd, vacancies, meetings, amend.....	Ch.219	-	773
Soil conservation district, supervisors, amend.....	Ch. 39	-	241
State bd of education, membership appointment, amend..	Ch.140	-	544
State bd of medicine, report maternal mortality, amend.	Ch. 67	-	333
State govt, notice of intent prior to agreement, new...	Ch.230	-	809
BONDS			
Computation of bond and bond interest levies, amend....	Ch.237	-	823
Elections, bond and levy disclosures, amend.....	Ch. 84	-	380
Mechanics, release of lien, surety bond, amend.....	Ch.150	-	597
BRANDS			
Approving pending rules, state brand board.....	HCR041	-	1120
BRIDGES			
Highways, policy of legislature on expenditures, amend.	Ch.259	-	899
BUDGETS			
Format of annual budget requests, amend.....	Ch.132	-	529

BUILDINGS

Public buildings and works, bids, challenges, new..... Ch.189 - 684

BUSINESS AND BUSINESS ENTITIES

Beer, brewers', dealers', wholesalers' license, amend. Ch.279 - 956
 Commercial property assessed capital expenditure, new.. Ch.239 - 850
 Corporations, improper state corporations, amend, new. Ch.287 - 980
 Homeowner's association, transfer fee, amend..... Ch.162 - 618
 Immunity of employers, employee carrying firearm, amend Ch.174 - 657
 Liquor, special distributors, amend..... Ch.307 - 1031
 Motor vehicle service-only facility, amend..... Ch.159 - 612
 Motor vehicles, unlawful act, sales licenses, new..... Ch.213 - 750
 Private employer, prisoners, furlough, amend..... Ch.196 - 701
 Prohibition on contracts with companies boycotting, new Ch.238 - 849

CAMPAIGNS AND CANDIDATES

Ballot tampering, harvesting, amend..... Ch.317 - 1050
 Campaign contributions/expenditures, PACs, amend..... Ch.278 - 953
 Electioneering message, tax correspondence, amend..... Ch. 46 - 253
 Independent candidates, president/vice president, amend Ch. 32 - 228
 Legislator, public property and resources, amend..... Ch.268 - 930
 Petitions, circulation, paid signature gatherers, amend Ch.285 - 973
 Prohibiting electioneering at polls, amend..... Ch.195 - 700
 Synthetic media, electioneering communication, new.... Ch.172 - 654
 Voting machines, ballots, amend, new..... Ch.260 - 901

CAPITOL

Capitol com, maintenance, approp..... Ch. 10 - 92

CATTLE

See LIVESTOCK

CEMETERIES AND CREMATORIIUMS

Cemetery maintenance districts, elections, amend..... Ch. 42 - 247
 Unclaimed remains of decedent, disposition, amend..... Ch.117 - 501
 Veterans cemeteries, eligibility, new..... Ch.141 - 546

CHILD CARE

See also DAYCARE

Child care development block grants, approp..... Ch.328 - 1083
 Placement of child in congregate care settings, new.... Ch.153 - 600

CHILDREN

Adoption agency, prohibit religious discrimination, new Ch.166 - 632
 Child protective act, notification of rights, new..... Ch. 64 - 328
 Counsel, children, indigent client, cost, amend, new... Ch.270 - 936
 Expungement hearing, guardian representation, amend.... Ch.184 - 671
 Guardian ad litem, divorce proceedings, amend..... Ch.233 - 815
 H&W dept, child welfare div, additional, approp..... Ch.262 - 912
 Health & social services ombudsman, amend, new..... Ch.188 - 680
 Homeowner's assn act, family daycare homes, new..... Ch.191 - 687
 Human trafficking, interstate, prostitution, amend, new Ch.147 - 558
 Identifiable child, definition, sex exploitation, amend Ch.194 - 692
 Internet, publishers of harmful material to minors, new Ch.113 - 486
 Newborn safety device, safe haven act, amend..... Ch.115 - 495
 Obscene materials, minors, schools & libraries, amend.. Ch.327 - 1080
 PANDAS/PANS awareness, concurrent resolution..... HCR027 - 1112
 Parents rights in medical decision-making, new..... Ch.148 - 594

Placement of child in congregate care settings, new....	Ch.153	-	600
Proceedings on adoption, child protective case, amend..	Ch.142	-	547
Providing shelter to runaways, shelter care, amend.....	Ch.248	-	880
Public charter schools, new.....	Ch. 9	-	61
Sale or barter of child for adoption, amend.....	Ch.232	-	814
Sale or barter of child, financial assistance, amend...	Ch.231	-	813
Sentencing, human trafficking victims screening, amend	Ch.249	-	881
Temporary caregiver, criminal history, amend.....	Ch.104	-	471

CHIROPRACTORS

See HEALTH CARE PROFESSIONS AND PROVIDERS

CHURCHES

See RELIGION AND CHURCHES

CITIES

Annexation by cities, repeal, amend, new.....	Ch.321	-	1059
Change in terms of lease, no rent control, amend.....	Ch.257	-	896
City elections, amend.....	Ch.300	-	1009
Commercial property assessed capital expenditure, new..	Ch.239	-	850
Consistency in knife regulation, new.....	Ch.221	-	777
Electrical inspection, plumbing code enforcement, amend	Ch. 54	-	268
Guaranteed income program, preemption, new.....	Ch.224	-	792
ITD, strategic initiatives program, grant, amend.....	Ch.229	-	807
Liquor licenses issued to resort city restaurants, new.	Ch.284	-	971
Liquor, special distributors, amend.....	Ch.307	-	1031
Municipal vacation of plats procedure, amend.....	Ch.100	-	444
P&Z, comprehensive plans, areas of impact, amend.....	Ch.227	-	795
Plats and surveys, definition, basis of bearing, amend.	Ch. 62	-	307
Public service contracts, publication, amend, new.....	Ch.173	-	655
Urban agriculture, community gardening, new.....	Ch.176	-	662

CIVIL ACTIONS

Aggravated driving while reckless, new.....	Ch. 90	-	429
Immunity of volunteer ski or bike patroller, new.....	Ch.114	-	494
Internet, publishers of harmful material to minors, new	Ch.113	-	486
Prohibit compulsory gender language, new, amend.....	Ch.314	-	1044
Volunteer security for religious body, immunity, new...	Ch.256	-	895

CIVIL RIGHTS

Prohibit compulsory gender language, new, amend.....	Ch.314	-	1044
--	--------	---	------

CODES

Idaho code, codifier's corrections, amend.....	Ch. 16	-	132
--	--------	---	-----

COLLEGES AND UNIVERSITIES

Adoption education, sex education, new, amend.....	Ch.131	-	528
Advanced opportunities funding, students, amend.....	Ch.139	-	540
Bd of education, community college, additional, approp.	Ch.273	-	944
Bd of education, univ of id, additional, approp.....	Ch.128	-	516
Bd of education, univ, health ed, additional, approp...	Ch. 78	-	371
Board of education, optional retirement program, amend.	Ch.161	-	616
Idaho opportunity scholarship, amend.....	Ch. 82	-	376
Prohibit compulsory gender language, new, amend.....	Ch.314	-	1044
Public investments in foreign adversaries, report, new.	Ch.198	-	704
Public postsecondary, diversity statements, new.....	Ch.112	-	485
State bd of ed, univ of idaho, additional, approp.....	Ch.275	-	948
State board of education, maintenance, approp.....	Ch. 12	-	104
State govt, notice of intent prior to agreement, new...	Ch.230	-	809

COMMERCE

Dept of commerce, additional, approp.....	Ch.289 -	983
Dept of commerce, maintenance, approp.....	Ch. 7 -	34
Idaho global entrepreneurial mission, repeal.....	Ch.120 -	506
Idaho rural development partnership, amend, repeal.....	Ch.202 -	717

COMMISSIONS

Approving pending rules, idaho potato commission.....	HCR041 -	1120
Cemetery maintenance districts, elections, amend.....	Ch. 42 -	247
Com for the blind/visually impaired, additional, approp	Ch.182 -	669
Com of pardons and parole, criminal procedure, amend...	Ch.164 -	622
Commission of pardons and parole, approp.....	Ch.212 -	750
Commission on aging, additional, approp.....	Ch.156 -	606
Commission on hispanic affairs, additional, approp.....	Ch.134 -	532
Economic development, maintenance, approp.....	Ch. 7 -	34
Flood control districts, definitions, amend.....	Ch.175 -	657
P&Z, comprehensive plans, areas of impact, amend.....	Ch.227 -	795
Public charter school commission, additional, approp...	Ch. 79 -	373
Public utilities commission, additional, approp.....	Ch. 91 -	430
Soil and water conservation com, additional, approp....	Ch. 66 -	332
Soil conservation district, supervisors, amend.....	Ch. 39 -	241
State commissioners salaries, amend, approp.....	Ch.245 -	870
State govt, notice of intent prior to agreement, new...	Ch.230 -	809
State tax commission, additional, approp.....	Ch. 48 -	256

COMMITTEES

Council on indian affairs, cochairs, amend.....	Ch.267 -	930
---	----------	-----

COMMUNICATIONS

See TELECOMMUNICATIONS

COMPACTS

See MULTISTATE COMPACTS AND AGREEMENTS

COMPUTERS

See SCIENCE AND TECHNOLOGY

CONDEMNATION

See EMINENT DOMAIN

CONFIDENTIALITY

Address confidentiality of judicial officers, amend....	Ch.250 -	885
---	----------	-----

CONGRESS, UNITED STATES

Joint memorial, dams, columbia-snake river system.....	SJM103 -	1095
Joint memorial, hearing protection, guns, suppressors..	SJM104 -	1096

CONSERVATION

Soil conservation district, supervisors, amend.....	Ch. 39 -	241
---	----------	-----

CONSERVATORS

See GUARDIANS AND CONSERVATORS

CONSTITUTION

Corporations, improper state corporations, amend, new.	Ch.287 -	980
--	----------	-----

CONSTITUTIONAL AMENDMENTS

Constitutional amendment, qualified electors, citizen..	HJR005 -	1092
---	----------	------

CONTRACTORS

Div of purchasing, appeals, judicial review, amend.....	Ch.207 -	739
---	----------	-----

Electrical contractor, journeyman, requirements, amend.	Ch.180	-	667
Right to work, prohibited activity, repeal.....	Ch.154	-	601
CONTRACTS			
Div of purchasing, appeals, judicial review, amend.....	Ch.207	-	739
Prohibition on contracts with companies boycotting, new	Ch.238	-	849
Public service contracts, publication, amend, new.....	Ch.173	-	655
Public utilities, existing agreements, new.....	Ch. 45	-	252
State govt, notice of intent prior to agreement, new...	Ch.230	-	809
CONTRIBUTIONS			
Prohibit private donations/sponsorship from state, new.	Ch.301	-	1010
CONTROLLED SUBSTANCES			
Fentanyl, penalty, mandatory minimum sentencing, new...	Ch. 4	-	14
Pharmacy and pharmacists, amend, repeal, new.....	Ch. 69	-	340
Syringe and needle exchange act, repeal.....	Ch.192	-	688
Uniform controlled substances, fentanyl, testing, amend	Ch. 68	-	334
Uniform controlled substances, schedule I, amend.....	Ch. 21	-	165
CONTROLLER, STATE			
Canvass bd, report, amend.....	Ch.201	-	715
Electioneering message, warrant, amend.....	Ch. 46	-	253
State controller, additional, approp.....	Ch.124	-	510
State controller, additional, approp.....	Ch.309	-	1034
State controller, maintenance, approp.....	Ch. 5	-	16
Transparency of state officer/agency agreements, amend.	Ch. 44	-	251
CORONERS			
Next of kin database, driver's licenses, new.....	Ch.118	-	504
CORPORATIONS			
See BUSINESS AND BUSINESS ENTITIES			
CORRECTION DEPARTMENT			
Dept of correction, additional, approp.....	Ch.282	-	964
Dept of correction, maintenance, approp.....	Ch. 3	-	4
Private employer, prisoners, furlough, amend.....	Ch.196	-	701
COSMETOLOGY			
Barber & cosmetology, hairpieces, toupees, wigs, amend	Ch.155	-	602
COUNCILS			
Council on indian affairs, cochairs, amend.....	Ch.267	-	930
State independent living council, additional, approp...	Ch.144	-	551
COUNSELING AND COUNSELORS			
See HEALTH CARE PROFESSIONS AND PROVIDERS			
COUNTIES			
Auditorium district, dissolution of district, amend....	Ch.165	-	630
Cassia and minidoka county boundaries, amend.....	Ch.208	-	743
Cemetery maintenance districts, elections, amend.....	Ch. 42	-	247
Change in terms of lease, no rent control, amend.....	Ch.257	-	896
Commercial property assessed capital expenditure, new..	Ch.239	-	850
Consistency in knife regulation, new.....	Ch.221	-	777
Electrical inspection, plumbing code enforcement, amend	Ch. 54	-	268
Guaranteed income program, preemption, new.....	Ch.224	-	792
ITD, strategic initiatives program, grant, amend.....	Ch.229	-	807
Irrigation district, election of director, amend.....	Ch. 92	-	431

Liquor, special distributors, amend.....	Ch.307	-	1031
Municipal vacation of plats procedure, amend.....	Ch.100	-	444
Northern idaho counties, boundaries, amend.....	Ch.222	-	778
P&Z, comprehensive plans, areas of impact, amend.....	Ch.227	-	795
Public service contracts, publication, amend, new.....	Ch.173	-	655
Sale of county property, exchange, tax deed, amend.....	Ch. 22	-	173
Sheriff, duties, temporarily close highway/roads, amend	Ch.254	-	893
State public defender, employees, sick time, amend.....	Ch.217	-	771
State public defender, employees, vacation time, amend.	Ch.160	-	614
Temporary vehicle registration, emergency, amend.....	Ch. 41	-	245

COURTS

Address confidentiality of judicial officers, amend....	Ch.250	-	885
Consistency in knife regulation, new.....	Ch.221	-	777
Counsel, children, indigent client, cost, amend, new...	Ch.270	-	936
Domestic violence, penalties, amend.....	Ch.163	-	620
Fentanyl, penalty, mandatory minimum sentencing, new...	Ch. 4	-	14
Guardian ad litem, divorce proceedings, amend.....	Ch.233	-	815
Judicial branch, additional, approp.....	Ch.305	-	1025
Judicial branch, additional, approp.....	Ch.326	-	1079
Judicial branch, maintenance, approp.....	Ch.103	-	468
Kootenai river water rights adjudication, new.....	Ch.223	-	789
Payment to courts, credit or debit card, amend.....	Ch.251	-	886
Retirement compensation, justices, judges, amend.....	Ch.325	-	1073
Sentencing, human trafficking victims screening, amend	Ch.249	-	881

CREDIT CARDS

See PAYMENT METHODS

CRIMINAL BACKGROUND CHECKS

Professional licenses, criminal history checks, amend..	Ch.101	-	446
Temporary caregiver, criminal history, amend.....	Ch.104	-	471

CRIMINAL OFFENSES AND PROCEDURES

Abortion prohibited in sex education curricula, amend..	Ch.177	-	663
Address confidentiality of judicial officers, amend....	Ch.250	-	885
Aggravated driving while reckless, new.....	Ch. 90	-	429
Com of pardons and parole, criminal procedure, amend...	Ch.164	-	622
Concealed weapons, certain state property, amend.....	Ch.206	-	732
Definition of sexes and genders, amend.....	Ch.322	-	1063
Disclosing explicit synthetic media, new.....	Ch.105	-	472
Domestic violence, attempted strangulation, amend.....	Ch.261	-	908
Domestic violence, penalties, amend.....	Ch.163	-	620
Expungement hearing, guardian representation, amend....	Ch.184	-	671
Fentanyl, penalty, mandatory minimum sentencing, new...	Ch. 4	-	14
Human trafficking, interstate, prostitution, amend, new	Ch.147	-	558
Identifiable child, definition, sex exploitation, amend	Ch.194	-	692
Medicaid fraud control unit, amend.....	Ch.228	-	803
Motor vehicles, ignition interlock system, amend.....	Ch.252	-	887
Obscene materials, minors, schools & libraries, amend..	Ch.327	-	1080
Pesticides, false report of damage claim, penalty, new.	Ch. 88	-	427
Providing shelter to runaways, shelter care, amend.....	Ch.248	-	880
Sale or barter of child for adoption, amend.....	Ch.232	-	814
Sale or barter of child, financial assistance, amend...	Ch.231	-	813
Sexual offender, aggravated offense, definition, amend.	Ch.258	-	898
Telecommunications, security, harassment, amend.....	Ch.253	-	892

CROPS

See AGRICULTURE

DAMS

Joint memorial, dams, columbia-snake river system..... SJM103 - 1095

DAYCARE

Homeowner's assn act, family daycare homes, new..... Ch.191 - 687

DAYS

See HOLIDAYS AND DAYS

DEAF

Public schools, deaf and blind education, approp..... Ch.226 - 794

DEATH

Next of kin database, driver's licenses, new..... Ch.118 - 504

Unclaimed remains of decedent, disposition, amend..... Ch.117 - 501

DEEDS

Irrigation districts, delinquent assessments, amend.... Ch.157 - 607

DENTISTRY AND DENTISTS

See HEALTH CARE PROFESSIONS AND PROVIDERS

DENTURISTS

See HEALTH CARE PROFESSIONS AND PROVIDERS

DEVELOPMENT

Idaho rural development partnership, amend, repeal..... Ch.202 - 717

P&Z, comprehensive plans, areas of impact, amend..... Ch.227 - 795

DISABILITIES, PERSONS WITH

H&W dept, developmentally disabled services, approp.... Ch.262 - 912

DISEASES

CWD, cervidae, quarantine, fencing, tissue samples, new Ch.108 - 478

PANDAS/PANS awareness, concurrent resolution..... HCR027 - 1112

Syringe and needle exchange act, repeal..... Ch.192 - 688

DISTRICTS

See also SCHOOLS AND SCHOOL DISTRICTS

Auditorium district, dissolution of district, amend.... Ch.165 - 630

Cemetery maintenance districts, elections, amend..... Ch. 42 - 247

Flood control districts, definitions, amend..... Ch.175 - 657

Irrigation district, election of director, amend..... Ch. 92 - 431

Irrigation districts, delinquent assessments, amend.... Ch.157 - 607

Terms of office, libraries, district trustees, amend... Ch.199 - 706

DIVORCE

See DOMESTIC RELATIONS

DOCTORS

See HEALTH CARE PROFESSIONS AND PROVIDERS

DOGS

See ANIMALS

DOMESTIC RELATIONS

Domestic violence, attempted strangulation, amend..... Ch.261 - 908

Domestic violence, penalties, amend..... Ch.163 - 620

Guardian ad litem, divorce proceedings, amend..... Ch.233 - 815

DOMESTIC VIOLENCE

Domestic violence, penalties, amend..... Ch.163 - 620

DRIVERS

Driver's license cancellation or revocation, amend..... Ch. 40 - 244

DRUG POLICY, OFFICE OF

Office of drug policy, additional, approp..... Ch. 77 - 370

Office of drug policy, maintenance, approp..... Ch. 10 - 92

EASEMENTS

Rights-of-way, land, irrigation, amend, new..... Ch. 93 - 432

EDUCATION

Abortion prohibited in sex education curricula, amend.. Ch.177 - 663

Adoption education, sex education, new, amend..... Ch.131 - 528

Advanced opportunities funding, students, amend..... Ch.139 - 540

Advanced opportunity scholarships, rulemaking, amend... Ch. 76 - 366

Approving pending rules, state bd of ed, bd of tech ed. SCR121 - 1105

Bd of education, community college, additional, approp. Ch.273 - 944

Bd of education, univ of id, additional, approp..... Ch.128 - 516

Bd of education, univ, health ed, additional, approp... Ch. 78 - 371

Board of education, optional retirement program, amend. Ch.161 - 616

Broadband infrastructure improvement grant, amend..... Ch.178 - 664

Civics education, importance, concurrent resolution... SCR116 - 1100

Definition of sexes and genders, amend..... Ch.322 - 1063

Div of career technical education, additional, approp.. Ch.129 - 518

Don't tread on me plates, firearms safety grant, new... Ch.187 - 675

Education dept, suicide prevention, additional, approp. Ch.291 - 991

Education stabilization fund, bd duties, amend, new... Ch.237 - 823

Education, digital learning academy, additional, approp Ch.276 - 950

Eligible education expense, empowering parents, amend.. Ch.277 - 951

HB500 trailer bill, id opportunity scholarship, amend.. Ch.274 - 945

HB521 trailer bill, education funding, amend..... Ch.302 - 1011

Holocaust education..... HCR025 - 1110

Idaho digital learning lab funding, amend..... Ch. 17 - 157

Idaho launch grant, amend..... Ch.290 - 984

Idaho opportunity scholarship, amend..... Ch. 82 - 376

Military leave, public school employee, new..... Ch. 50 - 259

Obscene materials, minors, schools & libraries, amend.. Ch.327 - 1080

Public charter school commission, additional, approp... Ch. 79 - 373

Public charter school revolving loan fund, amend..... Ch. 43 - 249

Public charter schools, new..... Ch. 9 - 61

Public postsecondary, diversity statements, new..... Ch.112 - 485

Public schools educational, div of teachers, approp.... Ch.293 - 994

Public schools, HB460, approp..... Ch.303 - 1019

Public schools, deaf and blind education, approp..... Ch.226 - 794

Public schools, education, facilities, approp..... Ch.292 - 993

Public schools, education, maintenance, approp..... Ch.205 - 723

Reading indicator assessment exemption, amend..... Ch. 29 - 222

School bd meetings, public charter schools, amend..... Ch.133 - 531

State bd of ed, univ of idaho, additional, approp..... Ch.275 - 948

State bd of education, additional, approp..... Ch.193 - 688

State bd of education, membership appointment, amend... Ch.140 - 544

State board of education, additional, approp..... Ch.197 - 702

State board of education, additional, approp..... Ch.271 - 943

State board of education, maintenance, approp..... Ch. 12 - 104

Teachers duties, physical escort, restraint, amend.....	Ch. 85 -	383
Terms of office, libraries, district trustees, amend...	Ch.199 -	706
Veterinary school, livestock, idaho and utah.....	SCR111 -	1098

ELECTIONS

Auditorium district, dissolution of district, amend....	Ch.165 -	630
Ballot tampering, harvesting, amend.....	Ch.317 -	1050
Campaign contributions/expenditures, PACs, amend.....	Ch.278 -	953
Canvass bd, report, amend.....	Ch.201 -	715
Cemetery maintenance districts, elections, amend.....	Ch. 42 -	247
City elections, amend.....	Ch.300 -	1009
Constitutional amendment, qualified electors, citizen..	HJR005 -	1092
Electioneering message, tax correspondence, amend.....	Ch. 46 -	253
Elections, bond and levy disclosures, amend.....	Ch. 84 -	380
Independent candidates, president/vice president, amend	Ch. 32 -	228
Irrigation district, election of director, amend.....	Ch. 92 -	431
Legislator, public property and resources, amend.....	Ch.268 -	930
Limitation upon elections, amend.....	Ch.237 -	823
Petitions, circulation, paid signature gatherers, amend	Ch.285 -	973
Prohibiting electioneering at polls, amend.....	Ch.195 -	700
School bd, vacancies, meetings, amend.....	Ch.219 -	773
Soil conservation district, supervisors, amend.....	Ch. 39 -	241
Synthetic media, electioneering communication, new.....	Ch.172 -	654
Voting machines, ballots, amend, new.....	Ch.260 -	901

ELECTRICITY AND ELECTRICIANS

Electrical contractor, journeyman, requirements, amend.	Ch.180 -	667
Electrical inspection, plumbing code enforcement, amend	Ch. 54 -	268
Public utilities, existing agreements, new.....	Ch. 45 -	252

ELK (DOMESTIC CERVIDAE)

See WILDLIFE

EMERGENCIES

State disaster preparedness, flood zoning, amend.....	Ch.179 -	665
---	----------	-----

EMERGENCY MEDICAL TECHNICIANS

See EMERGENCIES

EMINENT DOMAIN

Agricultural protection area act, new.....	Ch.215 -	761
Rights-of-way, land, irrigation, amend, new.....	Ch. 93 -	432

EMPLOYERS AND EMPLOYEES

See also LABOR

Employment security, eligibility, suitable work, amend.	Ch.200 -	708
Military leave, public school employee, new.....	Ch. 50 -	259
PERSI, police officer status, amend.....	Ch. 87 -	425
PERSI, revise definitions, amend.....	Ch.167 -	635
Private employer, prisoners, furlough, amend.....	Ch.196 -	701
Prohibit compulsory gender language, new, amend.....	Ch.314 -	1044
Right to work, prohibited activity, repeal.....	Ch.154 -	601
State public defender, employees, sick time, amend....	Ch.217 -	771
State public defender, employees, vacation time, amend.	Ch.160 -	614
Workforce development council, additional, approp.....	Ch.310 -	1035

EMPLOYMENT SECURITY LAW

Desired fund size multiplier, taxable wage base, amend.	Ch. 15 -	129
Employment security, eligibility, suitable work, amend.	Ch.200 -	708

ENDOWMENT FUNDS AND LANDS

Approving pending rules, endowment fund investment bd..	HCR052	-	1127
Endowment fund investment bd, additional, approp.....	Ch.146	-	555
Endowment fund investment bd, maintenance, approp.....	Ch. 6	-	21
Grazing leases, up to 40 years, agriculture, amend.....	Ch.102	-	466
Grazing permits, state lands, federal lands, new.....	Ch. 38	-	239
Public investments in foreign adversaries, report, new.	Ch.198	-	704

ENERGY

Concurrent resolution, advanced energy consortium.....	SCR113	-	1099
Energy and mineral office, maintenance, approp.....	Ch. 10	-	92
Office of energy/mineral resources, additional, approp.	Ch. 49	-	258
Public utilities, existing agreements, new.....	Ch. 45	-	252

ENGINEERS AND SURVEYORS

Plats and surveys, definition, basis of bearing, amend.	Ch. 62	-	307
---	--------	---	-----

ENVIRONMENT

Approving pending rules, dept of environmental quality.	SCR125	-	1106
Approving pending rules, dept of environmental quality.	HCR044	-	1122
Chemigation, chemigation applicator, amend.....	Ch. 52	-	261
Dept of environmental equality, additional, approp.....	Ch.135	-	533
Dept of environmental quality, maintenance, approp.....	Ch. 6	-	21

ETHICS

Counseling, sincerely held principles, new.....	Ch.152	-	599
---	--------	---	-----

EXECUTIVE ORDERS

2023-03.....			1133
2023-04.....			1134
2023-05.....			1136
2024-01.....			1140
2024-02.....			1143
2024-03.....			1146
2024-04.....			1147

FARMS AND FARMING

See AGRICULTURE

FEDERAL LAWS AND RELATIONS

America250 commemoration, 250th anniversary of USA.....	HCR031	-	1116
Concurrent resolution, advanced energy consortium.....	SCR113	-	1099
Dept of health and welfare, medicaid waivers.....	HCR030	-	1115
Federal funds for child care development grants, approp	Ch.328	-	1083
Idaho opportunity scholarship, amend.....	Ch. 82	-	376
Income tax, internal revenue code definition, amend....	Ch. 1	-	3
Independent candidates, president/vice president, amend	Ch. 32	-	228
Joint memorial, dams, columbia-snake river system.....	SJM103	-	1095
Joint memorial, hearing protection, guns, suppressors..	SJM104	-	1096
Joint memorial, immigration reform.....	SJM102	-	1093
Medicaid budget stabilization fund, new.....	Ch.204	-	722
Medicaid fraud control unit, amend.....	Ch.228	-	803
Medicaid legislative review panel, new.....	Ch.149	-	596
Medicaid managed care plan, direct payment, amend.....	Ch.170	-	652
Medicaid waivers and state plan amendments, new.....	Ch.288	-	982
Postpartum medicaid coverage, public assistance, new..	Ch.186	-	674
Rangeland improvement act, new.....	Ch. 47	-	254
Sustainable management of national forests, new.....	Ch.243	-	863

Transfer federal grant to good neighbor authority fund.	Ch.320	-	1059
Veterans cemeteries, eligibility, new.....	Ch.141	-	546
FEES			
Homeowner's association, transfer fee, amend.....	Ch.162	-	618
Payment to courts, credit or debit card, amend.....	Ch.251	-	886
State agencies, cash payments, new.....	Ch. 37	-	239
FINANCE			
Approving pending rules, dept of finance.....	HCR048	-	1124
Department of finance, additional, approp.....	Ch.123	-	509
Finance dept, maintenance, approp.....	Ch. 7	-	34
Public charter school revolving loan fund, amend.....	Ch. 43	-	249
FINANCIAL INSTITUTIONS			
See BANKS AND FINANCIAL INSTITUTIONS			
FINANCIAL MANAGEMENT, DIVISION OF			
Division of financial management, additional, approp...	Ch. 96	-	442
FINES			
Overtaking & passing school bus, penalty, fines, amend.	Ch.190	-	686
FIRE AND FIREFIGHTERS			
Forest and range fire protection program, approp.....	Ch. 6	-	21
FIREARMS			
See WEAPONS			
FISH and GAME			
Approving pending rules, dept of fish and game.....	SCR126	-	1107
CWD, cervidae, quarantine, fencing, tissue samples, new	Ch.108	-	478
F&G dept, maintenance, approp.....	Ch. 6	-	21
F&G, depredation, capital projects, additional, approp.	Ch. 65	-	329
Livestock depredation by grizzly bear and wolves, new..	Ch. 51	-	260
Nonresident, antlers, horns, hunting license, new.....	Ch.255	-	895
FLOODS			
Flood control districts, definitions, amend.....	Ch.175	-	657
State disaster preparedness, flood zoning, amend.....	Ch.179	-	665
FORESTS AND FORESTRY			
Agricultural protection area act, new.....	Ch.215	-	761
Annexation by cities, repeal, amend, new.....	Ch.321	-	1059
Forest and range fire protection program, approp.....	Ch. 6	-	21
Sustainable management of national forests, new.....	Ch.243	-	863
Who may own property, forest land, amend.....	Ch. 24	-	177
FRAUD			
Medicaid fraud control unit, amend.....	Ch.228	-	803
FUNDS			
ARPA state fiscal recovery fund, reapprop authority....	Ch.158	-	611
ARPA state fiscal recovery, technology fund, reapprop..	Ch. 11	-	102
ARPA, career, work development funds, reapprop.....	Ch.310	-	1035
Approp from millenium fund, H&W dept, additional approp	Ch.193	-	688
Broadband infrastructure improvement grant, amend.....	Ch.178	-	664
Capital facilities, local highways, initiatives.....	Ch.329	-	1085
Controller, service, indirect cost recovery, approp....	Ch.124	-	510
Data processing, behavioral health, approp.....	Ch. 5	-	16
Defense, general, budget stabilization funds, approp...	Ch.281	-	963

Don't tread on me plates, firearms safety grant, new...	Ch.187	-	675
Economic development related funds, approp.....	Ch. 7	-	34
Endowment fund investment bd, additional, approp.....	Ch.146	-	555
F&G, depredation funds, additional, approp.....	Ch. 65	-	329
Federal funds, child care development grants, approp...	Ch.328	-	1083
Fund transfers to dept of water resources, approp.....	Ch.126	-	512
General, permanent building fund, public works, approp.	Ch.306	-	1028
General/covid-19/rescue plan funds, reapprop authority.	Ch.197	-	702
HB521 trailer bill, education funding, amend.....	Ch.302	-	1011
Idaho credit union act, amend.....	Ch.130	-	520
Idaho digital learning lab funding, amend.....	Ch. 17	-	157
Idaho launch grant, amend.....	Ch.290	-	984
Invasive species fund, conveyance definition, amend....	Ch.122	-	508
Medicaid budget stabilization fund, new.....	Ch.204	-	722
Millennium income fund, federal grand fund, reapprop...	Ch. 70	-	360
Natural resource related funds, maintenance, approp....	Ch. 6	-	21
Permanent building, capitol com, maintenance, approp...	Ch. 10	-	92
Pest control, invasive species, funds, approp.....	Ch.109	-	480
Public charter school revolving loan fund, amend.....	Ch. 43	-	249
Public funds for gender transition prohibited, new.....	Ch.209	-	744
Public investments in foreign adversaries, report, new.	Ch.198	-	704
Public school income fund to general fund, approp.....	Ch.292	-	993
Public school income fund to general fund, approp.....	Ch.293	-	994
School dist activity funds, debit/credit card, amend...	Ch. 23	-	176
School income, insurance, facilities, funds, approp....	Ch.303	-	1019
School modernization facilities fund, new.....	Ch.237	-	823
Transfer federal grant to good neighbor authority fund.	Ch.320	-	1059
Water pollution control fund, transferring, approp.....	Ch.135	-	533

FUNERALS

Unclaimed remains of decedent, disposition, amend.....	Ch.117	-	501
--	--------	---	-----

GENDER

Definition of sexes and genders, amend.....	Ch.322	-	1063
Public funds for gender transition prohibited, new.....	Ch.209	-	744

GIFTS

See CONTRIBUTIONS

GOVERNMENT

Admin, adoption of temp rule, legislative review, amend	Ch.220	-	774
Administrative procedure act, scope of review, amend...	Ch.235	-	818
Approving pending rules for idaho transportation dept..	SCR119	-	1103
Approving pending rules, idaho state police, ITD.....	SCR120	-	1103
Auditorium district, dissolution of district, amend....	Ch.165	-	630
Civics education, importance, concurrent resolution....	SCR116	-	1100
Concealed weapons, certain state property, amend.....	Ch.206	-	732
Consistency in knife regulation, new.....	Ch.221	-	777
Corporations, improper state corporations, amend, new.	Ch.287	-	980
Definition of sexes and genders, amend.....	Ch.322	-	1063
Dept of lands, hire general counsel, new.....	Ch.210	-	747
Div of purchasing, appeals, judicial review, amend.....	Ch.207	-	739
Format of annual budget requests, amend.....	Ch.132	-	529
Grazing permits, state lands, federal lands, new.....	Ch. 38	-	239
Guaranteed income program, preemption, new.....	Ch.224	-	792
H&W dept, independent living, maintenance, approp.....	Ch. 8	-	48
Health & social services ombudsman, amend, new.....	Ch.188	-	680
Human resources, job qualification equivalency, amend..	Ch.106	-	474

Idaho code, codifier's corrections, amend.....	Ch. 16 -	132
Idaho global entrepreneurial mission, repeal.....	Ch.120 -	506
Identification card issued, amend.....	Ch. 31 -	224
Immunization assessment bd, extend sunset date, amend..	Ch. 75 -	366
Medicaid waivers and state plan amendments, new.....	Ch.288 -	982
PERSI, penalty for divulging member's records, amend...	Ch. 26 -	179
PERSI, police officer status, amend.....	Ch. 87 -	425
PERSI, supplemental benefit plan, amend.....	Ch. 19 -	158
Pending fee and non-fee rules effective date, amend....	Ch.308 -	1032
Permitting existing encroachments, clarify, amend.....	Ch.121 -	507
Prohibit compulsory gender language, new, amend.....	Ch.314 -	1044
Prohibit private donations/sponsorship from state, new.	Ch.301 -	1010
Prohibition on contracts with companies boycotting, new	Ch.238 -	849
Public charter schools, new.....	Ch. 9 -	61
Public funds for gender transition prohibited, new....	Ch.209 -	744
Public investments in foreign adversaries, report, new.	Ch.198 -	704
Public records request, legislature, nonresident, amend	Ch.107 -	477
Public service contracts, publication, amend, new.....	Ch.173 -	655
Revised unclaimed property act, repeal, new.....	Ch. 27 -	181
Sale of timber, state land, amend.....	Ch. 89 -	428
Session recess, legislature, concurrent resolution....	HCR051 -	1127
Space force, armed forces, amend.....	Ch.266 -	925
State agencies, cash payments, new.....	Ch. 37 -	239
State disaster preparedness, flood zoning, amend.....	Ch.179 -	665
State govt, notice of intent prior to agreement, new...	Ch.230 -	809
State public defender, employees, sick time, amend....	Ch.217 -	771
State public defender, employees, vacation time, amend.	Ch.160 -	614
Transparency of state officer/agency agreements, amend.	Ch. 44 -	251
Waiver of or variance from a licensing requirement, new	Ch.298 -	1006

GOVERNOR

Executive Order 2023-03.....		1133
Executive Order 2023-04.....		1134
Executive Order 2023-05.....		1136
Executive Order 2024-01.....		1140
Executive Order 2024-02.....		1143
Executive Order 2024-03.....		1146
Executive Order 2024-04.....		1147
Office of the governor, additional, approp.....	Ch.283 -	971
Office of the governor, maintenance, approp.....	Ch. 5 -	16
Office of the governor, state of state address.....	HCR019 -	1110

GRANTS

Airport development grants, reapprop.....	Ch.329 -	1085
Child care development block grants, approp.....	Ch.328 -	1083
Don't tread on me plates, firearms safety grant, new...	Ch.187 -	675
Eligible education expense, empowering parents, amend..	Ch.277 -	951
H&W, federal grants, opioid response grants, approp....	Ch.319 -	1055
ITD, strategic initiatives program, grant, amend.....	Ch.229 -	807
Idaho launch grant, amend.....	Ch.290 -	984

GUARDIANS AND CONSERVATORS

Class D driver's application, guardian or parent, amend	Ch. 33 -	229
Essential caregiver, define, patient's right, amend....	Ch.241 -	860
Expungement hearing, guardian representation, amend....	Ch.184 -	671
Providing shelter to runaways, shelter care, amend....	Ch.248 -	880
Temporary caregiver, criminal history, amend.....	Ch.104 -	471

GUNS

See WEAPONS

HEALTH

Adoption education, sex education, new, amend.....	Ch.131 -	528
Allied health advisory board, new.....	Ch. 61 -	288
Behavioral health reapprop authority, approp.....	Ch. 5 -	16
Certified family homes, vulnerable adult care, new....	Ch. 63 -	310
Contraception, insurance, 6 months prescription, new...	Ch. 53 -	267
Counseling, sincerely held principles, new.....	Ch.152 -	599
Crisis response, neurocognitive disorder, new.....	Ch.264 -	917
End organ harvesting act, organs from china, new.....	Ch.318 -	1051
Essential caregiver, define, patient's right, amend....	Ch.241 -	860
Health & social services ombudsman, amend, new.....	Ch.188 -	680
Informed consent, electroconvulsive therapy, amend....	Ch.304 -	1024
International physicians, filling vacancies, amend....	Ch.216 -	766
Midwifery, new.....	Ch. 59 -	278
PANDAS/PANS awareness, concurrent resolution.....	HCR027 -	1112
Parents rights in medical decision-making, new.....	Ch.148 -	594
Pelvic examination of unconscious patient, new.....	Ch.183 -	670
Pharmacy and pharmacists, amend, repeal, new.....	Ch. 69 -	340
Pharmacy benefit managers, amend.....	Ch.247 -	872
Placement of child in congregate care settings, new....	Ch.153 -	600
Postpartum medicaid coverage, public assistance, new...	Ch.186 -	674
Public funds for gender transition prohibited, new....	Ch.209 -	744
Syringe and needle exchange act, repeal.....	Ch.192 -	688
Voluntary naturopathic doctor licensure, amend.....	Ch.240 -	858

HEALTH AND SOCIAL SERVICES OMBUDSMAN

Health & social services ombudsman, H&W, approp.....	Ch.296 -	1002
Health & social services ombudsman, amend, new.....	Ch.188 -	680

HEALTH AND WELFARE DEPARTMENT

Approving pending rules, dept of H&W.....	SCR128 -	1108
Certified family homes, vulnerable adult care, new....	Ch. 63 -	310
Crisis response, neurocognitive disorder, new.....	Ch.264 -	917
Dept of health and welfare, medicaid waivers.....	HCR030 -	1115
End organ harvesting act, organs from china, new.....	Ch.318 -	1051
H&W dept, additional, approp.....	Ch.262 -	912
H&W dept, independent living, maintenance, approp.....	Ch. 8 -	48
H&W dept, indirect support services, additional, approp	Ch.316 -	1047
H&W dept, medicaid, additional, approp.....	Ch.323 -	1068
H&W dept, medicaid, additional, approp.....	Ch.315 -	1046
H&W dept, public health service div, additional, approp	Ch.319 -	1055
H&W dept, welfare div, additional, approp.....	Ch.328 -	1083
H&W, substance abuse, mental health, additional, approp	Ch.313 -	1038
Health & social services ombudsman, H&W, approp.....	Ch.296 -	1002
Health & social services ombudsman, amend, new.....	Ch.188 -	680
Medicaid budget stabilization fund, new.....	Ch.204 -	722
Medicaid legislative review panel, new.....	Ch.149 -	596
Substance abuse treatment, H&W dept, additional, approp	Ch.193 -	688

HEALTH CARE FACILITIES

Certified family homes, vulnerable adult care, new....	Ch. 63 -	310
Essential caregiver, define, patient's right, amend....	Ch.241 -	860
H&W, substance abuse, mental health, additional, approp	Ch.313 -	1038
Hospital and nursing care liens, perfecting lien, amend	Ch.242 -	862

Hospital, medical liens, amend.....	Ch.236	-	819
Informed consent, electroconvulsive therapy, amend.....	Ch.304	-	1024
Medicaid managed care plan, direct payment, amend.....	Ch.170	-	652
Newborn safety device, safe haven act, amend.....	Ch.115	-	495
Parents rights in medical decision-making, new.....	Ch.148	-	594
Pelvic examination of unconscious patient, new.....	Ch.183	-	670
Veterans home, property of deceased resident, amend....	Ch.185	-	673
HEALTH CARE PROFESSIONS AND PROVIDERS			
Certified family homes, vulnerable adult care, new.....	Ch. 63	-	310
Contraception, insurance, 6 months prescription, new... Ch. 53	-	267	
Counseling, sincerely held principles, new.....	Ch.152	-	599
End organ harvesting act, organs from china, new.....	Ch.318	-	1051
Essential caregiver, define, patient's right, amend....	Ch.241	-	860
H&W, substance abuse, mental health, additional, approp	Ch.313	-	1038
Hospital and nursing care liens, perfecting lien, amend	Ch.242	-	862
Hospital, medical liens, amend.....	Ch.236	-	819
Informed consent, electroconvulsive therapy, amend.....	Ch.304	-	1024
International physicians, filling vacancies, amend.....	Ch.216	-	766
Medicaid managed care plan, direct payment, amend.....	Ch.170	-	652
Midwifery, new.....	Ch. 59	-	278
Newborn safety device, safe haven act, amend.....	Ch.115	-	495
Parents rights in medical decision-making, new.....	Ch.148	-	594
Pelvic examination of unconscious patient, new.....	Ch.183	-	670
Pharmacy and pharmacists, amend, repeal, new.....	Ch. 69	-	340
Pharmacy benefit managers, amend.....	Ch.247	-	872
Professional licenses, criminal history checks, amend..	Ch.101	-	446
Providing shelter to runaways, shelter care, amend.....	Ch.248	-	880
Voluntary naturopathic doctor licensure, amend.....	Ch.240	-	858
HERDS			
Rangeland improvement act, new.....	Ch. 47	-	254
HIGHWAYS			
Annexation by cities, repeal, amend, new.....	Ch.321	-	1059
Highways, policy of legislature on expenditures, amend.	Ch.259	-	899
ITD, right-of-way div, facilities, additional, approp..	Ch.329	-	1085
ITD, strategic initiatives program, grant, amend.....	Ch.229	-	807
Port of entry, stopping inspection, technology, amend.	Ch. 14	-	127
Sheriff, duties, temporarily close highway/roads, amend	Ch.254	-	893
HISTORICAL SOCIETY, STATE			
America250 commemoration, 250th anniversary of USA....	HCR031	-	1116
Idaho state historical society, additional, approp.....	Ch. 74	-	365
Idaho state historical society, maintenance, approp....	Ch. 7	-	34
HISTORY			
America250 commemoration, 250th anniversary of USA....	HCR031	-	1116
Civics education, importance, concurrent resolution....	SCR116	-	1100
Holocaust education.....	HCR025	-	1110
HOLIDAYS AND DAYS			
Lieutenant general erik peterson day.....	SCR117	-	1101
HOMES AND HOUSING			
Community manager, homeowner's assn, conflict, amend... Ch.214	-	759	
Community resident associations, amend.....	Ch.127	-	515
Homeowner's assn act, family daycare homes, new.....	Ch.191	-	687
Homeowner's association, transfer fee, amend.....	Ch.162	-	618

Homestead property tax exemption, amend.....	Ch.168 -	642
HORSE RACING		
See RACING		
HOSPITALS		
See HEALTH CARE FACILITIES		
HOUSE OF REPRESENTATIVES		
See also LEGISLATURE		
HUMAN RESOURCES DIVISION		
Approving pending rules, human resources.....	SCR129 -	1109
Div of human resources, additional, approp.....	Ch.218 -	772
Div of human resources, maintenance, approp.....	Ch. 10 -	92
Rules, job qualification equivalency, amend.....	Ch.106 -	474
IDAHO CODE		
See CODES		
IDENTIFICATION CARDS		
Driver's license cancellation or revocation, amend.....	Ch. 40 -	244
Identification card issued, amend.....	Ch. 31 -	224
IMMIGRATION AND IMMIGRANTS		
Joint memorial, immigration reform.....	SJM102 -	1093
IMMUNITY		
See LIABILITY		
IMMUNIZATION		
Immunization assessment bd, extend sunset date, amend..	Ch. 75 -	366
Immunization exemptions, student of majority age, amend	Ch.225 -	793
INDIANS		
See NATIVE AMERICANS		
INDIGENTS		
See PUBLIC ASSISTANCE		
INDUSTRIAL COMMISSION		
Approving pending rules, industrial com.....	SCR129 -	1109
Desired fund size multiplier, taxable wage base, amend.	Ch. 15 -	129
Employment security, eligibility, suitable work, amend.	Ch.200 -	708
Industrial com, maintenance, approp.....	Ch. 7 -	34
Industrial commission, additional, approp.....	Ch.111 -	484
State commissioners salaries, amend, approp.....	Ch.245 -	870
INITIATIVES AND REFERENDUMS		
Legislator, public property and resources, amend.....	Ch.268 -	930
Petitions, circulation, paid signature gatherers, amend	Ch.285 -	973
INSURANCE		
Approving pending rules, dept of insurance.....	HCR048 -	1124
Contraception, insurance, 6 months prescription, new...	Ch. 53 -	267
Department of insurance, additional, approp.....	Ch. 98 -	443
Dept of health and welfare, medicaid waivers.....	HCR030 -	1115
Dept of insurance, additional, approp.....	Ch.294 -	995
Insurance dept, maintenance, approp.....	Ch. 7 -	34
Medicaid legislative review panel, new.....	Ch.149 -	596
Medicaid managed care plan, direct payment, amend.....	Ch.170 -	652
Medicaid waivers and state plan amendments, new.....	Ch.288 -	982

Postpartum medicaid coverage, public assistance, new...	Ch.186	-	674
Public funds for gender transition prohibited, new....	Ch.209	-	744
Transfer from employee group insurance to ARPA, approp.	Ch.330	-	1089

INTERNATIONAL RELATIONS

End organ harvesting act, organs from china, new.....	Ch.318	-	1051
---	--------	---	------

INTERNET

See SCIENCE AND TECHNOLOGY

INTERSTATE COMPACTS

See MULTISTATE COMPACTS AND AGREEMENTS

INVESTMENTS

Idaho credit union act, amend.....	Ch.130	-	520
PERSI, supplemental benefit plan, amend.....	Ch. 19	-	158
Public investments in foreign adversaries, report, new.	Ch.198	-	704

IRRIGATION

Ground water district, irrigation, assessments, amend..	Ch. 60	-	286
Injection wells, amend.....	Ch. 20	-	161
Irrigation district, election of director, amend.....	Ch. 92	-	431
Irrigation districts, delinquent assessments, amend....	Ch.157	-	607

JUDGES AND JUSTICES

See COURTS

JUVENILE CORRECTIONS

Approving pending rules, juvenile corrections.....	HCR042	-	1120
Expungement hearing, guardian representation, amend....	Ch.184	-	671
Juvenile corrections, additional, approp.....	Ch.211	-	748
Juvenile corrections, maintenance, approp.....	Ch. 3	-	4
Rejecting pending rules, juvenile corrections.....	HCR043	-	1121
Sentencing, human trafficking victims screening, amend	Ch.249	-	881

LABOR

See also EMPLOYERS AND EMPLOYEES

Dept of labor, additional, approp.....	Ch.145	-	552
Immunity of employers, employee carrying firearm, amend	Ch.174	-	657
Labor dept, maintenance, approp.....	Ch. 7	-	34
Right to work, prohibited activity, repeal.....	Ch.154	-	601

LAND USE

Agricultural protection area act, new.....	Ch.215	-	761
Annexation by cities, repeal, amend, new.....	Ch.321	-	1059
Grazing leases, up to 40 years, agriculture, amend....	Ch.102	-	466
Grazing permits, state lands, federal lands, new.....	Ch. 38	-	239
Irrigation districts, delinquent assessments, amend....	Ch.157	-	607
Municipal vacation of plats procedure, amend.....	Ch.100	-	444
P&Z, comprehensive plans, areas of impact, amend.....	Ch.227	-	795
Permitting existing encroachments, clarify, amend.....	Ch.121	-	507
Rangeland improvement act, new.....	Ch. 47	-	254
Rights-of-way, land, irrigation, amend, new.....	Ch. 93	-	432
Sale of timber, state land, amend.....	Ch. 89	-	428

LANDLORDS AND TENANTS

See also LEASES

Change in terms of lease, no rent control, amend.....	Ch.257	-	896
Community resident associations, amend.....	Ch.127	-	515
Unlawful detainer records shielded from disclosure, new	Ch.269	-	932

LANDS

Annexation by cities, repeal, amend, new.....	Ch.321 -	1059
Approving pending rules, dept of lands.....	HCR049 -	1126
Dept of lands, additional, approp.....	Ch.146 -	555
Dept of lands, additional, approp.....	Ch.320 -	1059
Dept of lands, attorney general, approp.....	Ch.299 -	1008
Dept of lands, hire general counsel, new.....	Ch.210 -	747
Dept of lands, maintenance, approp.....	Ch. 6 -	21
Irrigation districts, delinquent assessments, amend....	Ch.157 -	607
Permitting existing encroachments, clarify, amend.....	Ch.121 -	507
Rights-of-way, land, irrigation, amend, new.....	Ch. 93 -	432
Sale of timber, state land, amend.....	Ch. 89 -	428
Who may own property, forest land, amend.....	Ch. 24 -	177

LAW ENFORCEMENT

Child protective act, notification of rights, new.....	Ch. 64 -	328
Crisis response, neurocognitive disorder, new.....	Ch.264 -	917
Estray, trespassing, livestock, amend, new.....	Ch.263 -	916
Overtaking & passing school bus, penalty, fines, amend.	Ch.190 -	686
PERSI, police officer status, amend.....	Ch. 87 -	425
Paul nettleton, honoring 50 years of service.....	HCR028 -	1113
Sheriff, duties, temporarily close highway/roads, amend	Ch.254 -	893

LAWYERS

See ATTORNEYS

LEASES

See also LANDLORDS AND TENANTS

Change in terms of lease, no rent control, amend.....	Ch.257 -	896
Self-service storage, rental agreement, lien, amend....	Ch.244 -	866

LEGISLATURE

Admin, adoption of temp rule, legislative review, amend	Ch.220 -	774
Corporations, improper state corporations, amend, new.	Ch.287 -	980
Council on indian affairs, cochairs, amend.....	Ch.267 -	930
Definition of sexes and genders, amend.....	Ch.322 -	1063
Highways, policy of legislature on expenditures, amend.	Ch.259 -	899
Legislative branch, maintenance, approp.....	Ch. 11 -	102
Legislative services office, additional, approp.....	Ch.324 -	1073
Legislative services office, additional, approp.....	Ch.119 -	505
Legislator, public property and resources, amend.....	Ch.268 -	930
Medicaid legislative review panel, new.....	Ch.149 -	596
Medicaid waivers and state plan amendments, new.....	Ch.288 -	982
Pending fee and non-fee rules effective date, amend....	Ch.308 -	1032
Public records request, legislature, nonresident, amend	Ch.107 -	477
Session recess, legislature, concurrent resolution.....	HCR051 -	1127

LEVIES

Elections, bond and levy disclosures, amend.....	Ch. 84 -	380
Highways, policy of legislature on expenditures, amend.	Ch.259 -	899

LIABILITY

Internet, publishers of harmful material to minors, new	Ch.113 -	486
Volunteer security for religious body, immunity, new...	Ch.256 -	895

LIBRARIES AND LIBRARIANS

Idaho com for libraries, maintenance, approp.....	Ch. 7 -	34
Idaho com for libraries, projects, additional, approp..	Ch. 72 -	363

Obscene materials, minors, schools & libraries, amend.. Ch.327 - 1080
 Terms of office, libraries, district trustees, amend... Ch.199 - 706

LICENSE PLATES

Don't tread on me plates, firearms safety grant, new... Ch.187 - 675
 Motor vehicles, definitions, residency 30 days, amend.. Ch.234 - 816
 Purple heart recipient, fees, amend..... Ch. 83 - 379
 Space force, armed forces, amend..... Ch.266 - 925

LICENSES AND PERMITS

Architects, response to qualification request, amend... Ch. 35 - 236
 Barber & cosmetology, hairpieces, toupees, wigs, amend Ch.155 - 602
 Beer, brewers', dealers', wholesalers' license, amend. Ch.279 - 956
 Class D driver's application, guardian or parent, amend Ch. 33 - 229
 Consistency in knife regulation, new..... Ch.221 - 777
 Driver's license fees, motorcycle safety fund, amend... Ch. 13 - 116
 Grazing permits, state lands, federal lands, new..... Ch. 38 - 239
 License to retail liquor, transfer and issuance, amend. Ch.295 - 996
 Liquor licenses issued to resort city restaurants, new. Ch.284 - 971
 Motor vehicles, definitions, residency 30 days, amend.. Ch.234 - 816
 Next of kin database, driver's licenses, new..... Ch.118 - 504
 Nonresident, antlers, horns, hunting license, new..... Ch.255 - 895
 Occupational licenses, renewals, reinstatements, amend. Ch. 86 - 385
 Pelvic examination of unconscious patient, new..... Ch.183 - 670
 Professional licenses, criminal history checks, amend.. Ch.101 - 446
 Public works contractors, exemptions, licenses, amend.. Ch. 58 - 274
 Universal occupational licensure renewal reform, new... Ch.265 - 924
 Waiver of or variance from a licensing requirement, new Ch.298 - 1006

LIENS

Hospital and nursing care liens, perfecting lien, amend Ch.242 - 862
 Hospital, medical liens, amend..... Ch.236 - 819
 Lien for performance of future obligations, amend..... Ch.151 - 598
 Mechanics, materialmen, release of lien, amend..... Ch.150 - 597
 Self-service storage, rental agreement, lien, amend.... Ch.244 - 866

LIEUTENANT GOVERNOR

Office of lieutenant governor, additional, approp..... Ch. 97 - 442

LIQUOR

Approving pending rules, state liquor div..... HCR052 - 1127
 Beer, brewers', dealers', wholesalers' license, amend. Ch.279 - 956
 License to retail liquor, transfer and issuance, amend. Ch.295 - 996
 Liquor licenses issued to resort city restaurants, new. Ch.284 - 971
 Liquor store locations, special distributors, amend.... Ch.307 - 1031
 State liquor division, additional, approp..... Ch. 99 - 444
 State liquor division, maintenance, approp..... Ch. 10 - 92

LIVESTOCK

Agricultural protection area act, new..... Ch.215 - 761
 Estray, trespassing, livestock, amend, new..... Ch.263 - 916
 Grazing leases, up to 40 years, agriculture, amend..... Ch.102 - 466
 Grazing permits, state lands, federal lands, new..... Ch. 38 - 239
 Livestock depredation by grizzly bear and wolves, new.. Ch. 51 - 260
 Rangeland improvement act, new..... Ch. 47 - 254
 Veterinary school, livestock, idaho and utah..... SCR111 - 1098
 Wolf depredation control bd, compensation, amend..... Ch.203 - 721

LOANS

Public charter school revolving loan fund, amend..... Ch. 43 - 249

LOTTERY, STATE

Idaho state lottery, additional, approp..... Ch. 73 - 364

Idaho state lottery, maintenance, approp..... Ch. 7 - 34

Lottery dividends, school district facilities, amend... Ch.237 - 823

MARRIAGE

See DOMESTIC RELATIONS

MECHANICS

Mechanics, release of lien, surety bond, amend..... Ch.150 - 597

MEDICAL

Allied health advisory board, new..... Ch. 61 - 288

Certified family homes, vulnerable adult care, new.... Ch. 63 - 310

Contraception, insurance, 6 months prescription, new... Ch. 53 - 267

Counseling, sincerely held principles, new..... Ch.152 - 599

Crisis response, neurocognitive disorder, new..... Ch.264 - 917

Essential caregiver, define, patient's right, amend.... Ch.241 - 860

Hospital, medical liens, amend..... Ch.236 - 819

Informed consent, electroconvulsive therapy, amend.... Ch.304 - 1024

International physicians, filling vacancies, amend.... Ch.216 - 766

Medicaid legislative review panel, new..... Ch.149 - 596

Medicaid managed care plan, direct payment, amend..... Ch.170 - 652

Midwifery, new..... Ch. 59 - 278

Newborn safety device, safe haven act, amend..... Ch.115 - 495

PANDAS/PANS awareness, concurrent resolution..... HCR027 - 1112

Parents rights in medical decision-making, new..... Ch.148 - 594

Pelvic examination of unconscious patient, new..... Ch.183 - 670

Pharmacy and pharmacists, amend, repeal, new..... Ch. 69 - 340

Pharmacy benefit managers, amend..... Ch.247 - 872

Postpartum medicaid coverage, public assistance, new... Ch.186 - 674

Professional licenses, criminal history checks, amend.. Ch.101 - 446

Public funds for gender transition prohibited, new.... Ch.209 - 744

State bd of medicine, report maternal mortality, amend. Ch. 67 - 333

Voluntary naturopathic doctor licensure, amend..... Ch.240 - 858

MEETINGS, PUBLIC

School bd meetings, public charter schools, amend..... Ch.133 - 531

School bd, vacancies, meetings, amend..... Ch.219 - 773

MEMORIALS

Joint memorial, dams, columbia-snake river system..... SJM103 - 1095

Joint memorial, hearing protection, guns, suppressors.. SJM104 - 1096

Joint memorial, immigration reform..... SJM102 - 1093

MILITARY AND MILITIA

Lieutenant general erik peterson day..... SCR117 - 1101

Military div, maintenance, approp..... Ch. 10 - 92

Military division, additional, approp..... Ch. 81 - 374

Military leave, public school employee, new..... Ch. 50 - 259

Purple heart recipient, fees, amend..... Ch. 83 - 379

Veterans cemeteries, eligibility, new..... Ch.141 - 546

MINERALS and MINING

Office of energy/mineral resources, additional, approp. Ch. 49 - 258

MORTICIANS

Unclaimed remains of decedent, disposition, amend..... Ch.117 - 501

MOSQUITO ABATEMENT

See PESTS AND PESTICIDES

MOTOR CARRIERS

Port of entry, stopping inspection, technology, amend. Ch. 14 - 127

MOTOR VEHICLES

Aggravated driving while reckless, new..... Ch. 90 - 429
 Class D driver's application, guardian or parent, amend Ch. 33 - 229
 Don't tread on me plates, firearms safety grant, new... Ch.187 - 675
 Driver's license cancellation or revocation, amend..... Ch. 40 - 244
 Driver's license fees, motorcycle safety fund, amend... Ch. 13 - 116
 Identification card issued, amend..... Ch. 31 - 224
 Motor vehicles, definitions, residency 30 days, amend.. Ch.234 - 816
 Motor vehicles, ignition interlock system, amend..... Ch.252 - 887
 Motor vehicles, unlawful act, sales licenses, new..... Ch.213 - 750
 Mufflers, noise prevention, commercial vehicle, amend.. Ch. 36 - 238
 Next of kin database, driver's licenses, new..... Ch.118 - 504
 Overtaking & passing school bus, penalty, fines, amend. Ch.190 - 686
 Port of entry, stopping inspection, technology, amend. Ch. 14 - 127
 Service-only facility, not a dealership, amend..... Ch.159 - 612
 Space force, armed forces, amend..... Ch.266 - 925
 Temporary vehicle registration, emergency, amend..... Ch. 41 - 245

MULTISTATE COMPACTS AND AGREEMENTS

Veterinary school, livestock, idaho and utah..... SCR111 - 1098

NATIONAL GUARD

See MILITARY AND MILITIA

NATIVE AMERICANS

Council on indian affairs, cochairs, amend..... Ch.267 - 930
 Federally recognized tribal member, income tax, amend.. Ch. 2 - 3

NATURAL RESOURCES

See also ENVIRONMENT

Agricultural protection area act, new..... Ch.215 - 761
 Eastern snake plain aquifer area, ground water, new.... Ch.110 - 483
 Kootenai river water rights adjudication, new..... Ch.223 - 789
 Sale of timber, state land, amend..... Ch. 89 - 428

NURSING AND NURSES

See HEALTH CARE PROFESSIONS AND PROVIDERS

OBSCENITY

Obscene materials, minors, schools & libraries, amend.. Ch.327 - 1080

OCCUPATIONAL AND PROFESSIONAL LICENSES

Approving pending rules, div of occupational licenses.. HCR048 - 1124
 Approving pending rules, div of occupational licenses.. SCR126 - 1107
 Approving pending rules, div of occupational licenses.. SCR124 - 1106
 Approving pending rules, div of occupational licenses.. HCR039 - 1118
 Approving pending rules, div of occupational licenses.. HCR041 - 1120
 Barber & cosmetology, hairpieces, toupees, wigs, amend Ch.155 - 602
 Beer, brewers', dealers', wholesalers' license, amend. Ch.279 - 956
 Div of occupational licenses, additional, approp..... Ch.280 - 961

Div of occupational licenses, maintenance, approp.....	Ch. 7 -	34
Electrical contractor, journeyman, requirements, amend.	Ch.180 -	667
International physicians, filling vacancies, amend.....	Ch.216 -	766
Licenses, renewals, reinstatements, registration, amend	Ch. 86 -	385
Motor vehicles, unlawful act, sales licenses, new.....	Ch.213 -	750
Professional licenses, criminal history checks, amend..	Ch.101 -	446
Public works contractors, exemptions, licenses, amend..	Ch. 58 -	274
Universal occupational licensure renewal reform, new...	Ch.265 -	924
Voluntary naturopathic doctor licensure, amend.....	Ch.240 -	858
Waiver of or variance from a licensing requirement, new	Ch.298 -	1006

OPTOMETRY AND OPTOMETRISTS

See HEALTH CARE PROFESSIONS AND PROVIDERS

ORGANIZATIONS

Homeowner's association, transfer fee, amend.....	Ch.162 -	618
---	----------	-----

PARDONS AND PAROLE

Approving pending rules, com of pardons and parole.....	HCR042 -	1120
Com of pardons and parole, criminal procedure, amend...	Ch.164 -	622
Commission of pardons and parole, approp.....	Ch.212 -	750

PARENTS

Class D driver's application, guardian or parent, amend	Ch. 33 -	229
Eligible education expense, empowering parents, amend..	Ch.277 -	951
Essential caregiver, define, patient's right, amend....	Ch.241 -	860
Expungement hearing, guardian representation, amend....	Ch.184 -	671
Parents rights in medical decision-making, new.....	Ch.148 -	594
Providing shelter to runaways, shelter care, amend.....	Ch.248 -	880
Sale or barter of child, financial assistance, amend...	Ch.231 -	813
Temporary caregiver, criminal history, amend.....	Ch.104 -	471

PARKS AND RECREATION

Annexation by cities, repeal, amend, new.....	Ch.321 -	1059
Approving pending rules, dept of parks and recreation..	SCR126 -	1107
Dept of parks and recreation, additional, approp.....	Ch. 71 -	361
Dept of parks and recreation, maintenance, approp.....	Ch. 6 -	21

PAYMENT METHODS

Payment to courts, credit or debit card, amend.....	Ch.251 -	886
School dist activity funds, debit/credit card, amend...	Ch. 23 -	176
State agencies, cash payments, new.....	Ch. 37 -	239

PERMITS

See LICENSES AND PERMITS

PESTS AND PESTICIDES

Chemigation, chemigation applicator, amend.....	Ch. 52 -	261
Pest control deficiency fund, approp.....	Ch.109 -	480
Pesticides, false report of damage claim, penalty, new.	Ch. 88 -	427
Plant pest act, inspect private lands, amend.....	Ch. 28 -	221

PHARMACIES AND PHARMACISTS

See HEALTH CARE PROFESSIONS AND PROVIDERS

PHYSICAL THERAPY AND THERAPISTS

See HEALTH CARE PROFESSIONS AND PROVIDERS

PHYSICIANS AND SURGEONS

State bd of medicine, report maternal mortality, amend.	Ch. 67 -	333
---	----------	-----

PLANNING AND ZONING

- P&Z, comprehensive plans, areas of impact, amend..... Ch.227 - 795
 Plats and surveys, definition, basis of bearing, amend. Ch. 62 - 307

PLANTS

- Invasive species fund, conveyance definition, amend.... Ch.122 - 508
 Plant pest act, inspect private lands, amend..... Ch. 28 - 221

PLUMBING AND PLUMBERS

- Electrical inspection, plumbing code enforcement, amend Ch. 54 - 268

PODIATRY AND PODIATRISTS

See HEALTH CARE PROFESSIONS AND PROVIDERS

POLICE, IDAHO STATE

See also LAW ENFORCEMENT

- Approving pending rules, idaho state police..... HCR042 - 1120
 Approving pending rules, idaho state police..... HCR041 - 1120
 Approving pending rules, idaho state police, ITD..... SCR120 - 1103
 Crisis response, neurocognitive disorder, new..... Ch.264 - 917
 Estray, trespassing, livestock, amend, new..... Ch.263 - 916
 Idaho state police, additional, approp..... Ch.286 - 975
 Idaho state police, maintenance, approp..... Ch. 3 - 4

POLITICAL PARTIES

- Independent candidates, president/vice president, amend Ch. 32 - 228

POLLUTION

- Water pollution control fund, transferring, approp..... Ch.135 - 533

POWER

See ENERGY

PRESCRIPTIONS

- Contraception, insurance, 6 months prescription, new... Ch. 53 - 267
 Pharmacy benefit managers, amend..... Ch.247 - 872

PRISONS AND PRISONERS

- Private employer, prisoners, furlough, amend..... Ch.196 - 701

PROBATION

See CRIMINAL OFFENSES AND PROCEDURES

PROPERTY

- Community manager, homeowner's assn, conflict, amend... Ch.214 - 759
 Concealed weapons, certain state property, amend..... Ch.206 - 732
 Irrigation districts, delinquent assessments, amend.... Ch.157 - 607
 Municipal vacation of plats procedure, amend..... Ch.100 - 444
 Rehabilitation of property, ITD district 4 shoshone.... Ch.329 - 1085
 Revised unclaimed property act, repeal, new..... Ch. 27 - 181
 Sale of county property, exchange, tax deed, amend.... Ch. 22 - 173
 Unlawful detainer records shielded from disclosure, new Ch.269 - 932
 Who may own property, forest land, amend..... Ch. 24 - 177

PROSECUTING ATTORNEYS

See ATTORNEYS

PROSTITUTION

- Human trafficking, interstate, prostitution, amend, new Ch.147 - 558

PSYCHIATRY AND PSYCHIATRISTS

See HEALTH CARE PROFESSIONS AND PROVIDERS

PSYCHOLOGY AND PSYCHOLOGISTS

See HEALTH CARE PROFESSIONS AND PROVIDERS

PUBLIC ASSISTANCE

Dept of health and welfare, medicaid waivers.....	HCR030	-	1115
H&W dept, medicaid, additional, approp.....	Ch.315	-	1046
H&W dept, medicaid, additional, approp.....	Ch.323	-	1068
H&W dept, welfare div, additional, approp.....	Ch.328	-	1083
Health & social services ombudsman, amend, new.....	Ch.188	-	680
Medicaid budget stabilization fund, new.....	Ch.204	-	722
Medicaid fraud control unit, amend.....	Ch.228	-	803
Medicaid legislative review panel, new.....	Ch.149	-	596
Medicaid managed care plan, direct payment, amend.....	Ch.170	-	652
Medicaid waivers and state plan amendments, new.....	Ch.288	-	982
Postpartum medicaid coverage, public assistance, new...	Ch.186	-	674
Public funds for gender transition prohibited, new.....	Ch.209	-	744

PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO (PERSI)

See RETIREMENT

PUBLIC RECORDS

See RECORDS

PUBLIC UTILITIES

See UTILITIES

PUBLIC WORKS

Dept of admin, div of public works, approp.....	Ch.306	-	1028
Public buildings and works, bids, challenges, new.....	Ch.189	-	684
Public works contractors, exemptions, licenses, amend..	Ch. 58	-	274

PURCHASING

Div of purchasing, appeals, judicial review, amend.....	Ch.207	-	739
---	--------	---	-----

RACING

Approving pending rules, state racing com.....	HCR052	-	1127
--	--------	---	------

RADIO

See TELECOMMUNICATIONS

RADIOLOGY AND RADIOLOGIST

See HEALTH CARE PROFESSIONS AND PROVIDERS

RAILROADS

Annexation by cities, repeal, amend, new.....	Ch.321	-	1059
---	--------	---	------

REAL PROPERTY

Annexation by cities, repeal, amend, new.....	Ch.321	-	1059
Change in terms of lease, no rent control, amend.....	Ch.257	-	896
Commercial property assessed capital expenditure, new..	Ch.239	-	850
Community manager, homeowner's assn, conflict, amend...	Ch.214	-	759
Homeowner's association, transfer fee, amend.....	Ch.162	-	618
Irrigation districts, delinquent assessments, amend....	Ch.157	-	607
Mechanics, materialmen, release of lien, amend.....	Ch.150	-	597
Municipal vacation of plats procedure, amend.....	Ch.100	-	444
Self-service storage, rental agreement, lien, amend....	Ch.244	-	866
Unlawful detainer records shielded from disclosure, new	Ch.269	-	932

RECORDS

Address confidentiality of judicial officers, amend....	Ch.250	-	885
Definition of sexes and genders, amend.....	Ch.322	-	1063
Expungement hearing, guardian representation, amend....	Ch.184	-	671
PERSI, penalty for divulging member's records, amend...	Ch. 26	-	179
Public records request, legislature, nonresident, amend	Ch.107	-	477
Transparency of state officer/agency agreements, amend.	Ch. 44	-	251
Unlawful detainer records shielded from disclosure, new	Ch.269	-	932
Wildlife records exempt from disclosure, amend.....	Ch. 25	-	178

REFERENDUMS

See INITIATIVES AND REFERENDUMS

REGULATORY TAKINGS

See EMINENT DOMAIN

RELIGION AND CHURCHES

Adoption agency, prohibit religious discrimination, new	Ch.166	-	632
Counseling, sincerely held principles, new.....	Ch.152	-	599
Volunteer security for religious body, immunity, new...	Ch.256	-	895

REPORTS

State bd of medicine, report maternal mortality, amend.	Ch. 67	-	333
---	--------	---	-----

RESERVOIRS

See WATER

RESOLUTIONS, CONCURRENT

America250 commemoration, 250th anniversary of USA.....	HCR031	-	1116
Approving pending rules for idaho transportation dept..	SCR119	-	1103
Approving pending rules, F&G, licenses, parks, water...	SCR126	-	1107
Approving pending rules, HR, industrial com, PERSI.....	SCR129	-	1109
Approving pending rules, agriculture, potato com, etc..	HCR041	-	1120
Approving pending rules, dept of H&W.....	SCR128	-	1108
Approving pending rules, dept of environmental quality.	HCR044	-	1122
Approving pending rules, dept of environmental quality.	SCR125	-	1106
Approving pending rules, dept of lands.....	HCR049	-	1126
Approving pending rules, div of occupational licenses..	SCR124	-	1106
Approving pending rules, div of occupational licenses..	HCR039	-	1118
Approving pending rules, idaho state police, ITD.....	SCR120	-	1103
Approving pending rules, idaho state tax com.....	HCR033	-	1117
Approving pending rules, racing, liquor, puc, endowment	HCR052	-	1127
Approving pending rules, state bd of ed, bd of tech ed.	SCR121	-	1105
Approving pending rules, state bd of tax appeals.....	HCR047	-	1123
Approving rules, finance, insurance, prof licenses.....	HCR048	-	1124
Civics education, importance, concurrent resolution....	SCR116	-	1100
Concurrent resolution, advanced energy consortium.....	SCR113	-	1099
Dept of health and welfare, medicaid waivers.....	HCR030	-	1115
Holocaust education.....	HCR025	-	1110
Lieutenant general erik peterson day.....	SCR117	-	1101
Office of the governor, state of state address.....	HCR019	-	1110
PANDAS/PANS awareness.....	HCR027	-	1112
Paul nettleton, honoring 50 years of service.....	HCR028	-	1113
Reject agency rules, dept of admin, div of purchasing..	HCR029	-	1114
Rejecting pending rules, juvenile corrections.....	HCR043	-	1121
Session recess, legislature, concurrent resolution....	HCR051	-	1127
Veterinary school, livestock, idaho and utah.....	SCR111	-	1098

RESOLUTIONS, JOINT

Constitutional amendment, qualified electors, citizen.. HJR005 - 1092

RESTAURANTS

Liquor licenses issued to resort city restaurants, new. Ch.284 - 971

RETIREMENT

Approving pending rules, PERSI..... SCR129 - 1109

Board of education, optional retirement program, amend. Ch.161 - 616

PERSI, additional, approp..... Ch.125 - 511

PERSI, disability retirement, school employee, amend... Ch. 34 - 235

PERSI, maintenance, approp..... Ch. 10 - 92

PERSI, penalty for divulging member's records, amend... Ch. 26 - 179

PERSI, police officer status, amend..... Ch. 87 - 425

PERSI, purchase of membership service, amend..... Ch. 18 - 158

PERSI, revise definitions, amend..... Ch.167 - 635

PERSI, supplemental benefit plan, amend..... Ch. 19 - 158

Public investments in foreign adversaries, report, new. Ch.198 - 704

Retirement compensation, justices, judges, amend..... Ch.325 - 1073

RIGHT-OF-WAY

See EASEMENTS

Rights-of-way, land, irrigation, amend, new..... Ch. 93 - 432

RIVERS

See WATER

ROADS

See HIGHWAYS

RULES

Admin, adoption of temp rule, legislative review, amend Ch.220 - 774

Administrative procedure act, scope of review, amend... Ch.235 - 818

Approving pending rules for idaho transportation dept.. SCR119 - 1103

Approving pending rules, F&G, licenses, parks, water... SCR126 - 1107

Approving pending rules, HR, industrial com, PERSI..... SCR129 - 1109

Approving pending rules, agriculture, potato com, etc.. HCR041 - 1120

Approving pending rules, dept of H&W..... SCR128 - 1108

Approving pending rules, dept of environmental quality. HCR044 - 1122

Approving pending rules, dept of environmental quality. SCR125 - 1106

Approving pending rules, dept of lands..... HCR049 - 1126

Approving pending rules, div of occupational licenses.. SCR124 - 1106

Approving pending rules, div of occupational licenses.. HCR039 - 1118

Approving pending rules, idaho state police, ITD..... SCR120 - 1103

Approving pending rules, idaho state tax com..... HCR033 - 1117

Approving pending rules, police, pardons/parole, etc... HCR042 - 1120

Approving pending rules, racing, liquor, puc, endowment HCR052 - 1127

Approving pending rules, state bd of ed, bd of tech ed. SCR121 - 1105

Approving pending rules, state bd of tax appeals..... HCR047 - 1123

Approving rules, finance, insurance, prof licenses..... HCR048 - 1124

Idaho administrative procedure act, amend..... Ch.169 - 650

Pending fee and non-fee rules effective date, amend... Ch.308 - 1032

Reject agency rules, dept of admin, div of purchasing.. HCR029 - 1114

Rejecting pending rules, juvenile corrections..... HCR043 - 1121

Revised unclaimed property act, repeal, new..... Ch. 27 - 181

SAFETY

Crisis response, neurocognitive disorder, new..... Ch.264 - 917

Providing shelter to runaways, shelter care, amend.....	Ch.248	-	880
Sheriff, duties, temporarily close highway/roads, amend	Ch.254	-	893

SALES

Consistency in knife regulation, new.....	Ch.221	-	777
License to retail liquor, transfer and issuance, amend.	Ch.295	-	996
Motor vehicles, unlawful act, sales licenses, new.....	Ch.213	-	750
Sales tax exemption, grain bin equipment, amend.....	Ch.297	-	1004

SCHOLARSHIPS

Advanced opportunity scholarships, rulemaking, amend...	Ch. 76	-	366
HB500 trailer bill, id opportunity scholarship, amend..	Ch.274	-	945
Idaho opportunity scholarship, amend.....	Ch. 82	-	376

SCHOOLS AND SCHOOL DISTRICTS

Abortion prohibited in sex education curricula, amend..	Ch.177	-	663
Advanced opportunities funding, students, amend.....	Ch.139	-	540
Advanced opportunity scholarships, rulemaking, amend...	Ch. 76	-	366
Consistency in knife regulation, new.....	Ch.221	-	777
Education, digital learning academy, additional, approp	Ch.276	-	950
HB422 & HB521 trailer bill, education funding, amend...	Ch.302	-	1011
HB500 trailer bill, id opportunity scholarship, amend..	Ch.274	-	945
Holocaust education.....	HCR025	-	1110
Idaho digital learning lab funding, amend.....	Ch. 17	-	157
Military leave, public school employee, new.....	Ch. 50	-	259
Obscene materials, minors, schools & libraries, amend..	Ch.327	-	1080
Overtaking & passing school bus, penalty, fines, amend.	Ch.190	-	686
Prohibit compulsory gender language, new, amend.....	Ch.314	-	1044
Public charter school commission, additional, approp...	Ch. 79	-	373
Public charter school revolving loan fund, amend.....	Ch. 43	-	249
Public charter schools, new.....	Ch. 9	-	61
Public schools educational, div of teachers, approp....	Ch.293	-	994
Public schools, HB460, approp.....	Ch.303	-	1019
Public schools, deaf and blind education, approp.....	Ch.226	-	794
Public schools, education, facilities, approp.....	Ch.292	-	993
Public schools, education, maintenance, approp.....	Ch.205	-	723
Reading indicator assessment exemption, amend.....	Ch. 29	-	222
School bd meetings, public charter schools, amend.....	Ch.133	-	531
School bd, vacancies, meetings, amend.....	Ch.219	-	773
School dist activity funds, debit/credit card, amend...	Ch. 23	-	176
School district facilities fund, amend.....	Ch.237	-	823
Teachers duties, physical escort, restraint, amend.....	Ch. 85	-	383

SCIENCE AND TECHNOLOGY

Broadband infrastructure improvement grant, amend.....	Ch.178	-	664
Disclosing explicit synthetic media, new.....	Ch.105	-	472
Education, digital learning academy, additional, approp	Ch.276	-	950
Eligible education expense, empowering parents, amend..	Ch.277	-	951
Identifiable child, definition, sex exploitation, amend	Ch.194	-	692
Information technology office, STEM action ctr, approp.	Ch. 10	-	92
Internet, publishers of harmful material to minors, new	Ch.113	-	486
Office of information technology, additional, approp...	Ch. 55	-	272
STEM action center, additional, approp.....	Ch.171	-	653
Synthetic media, electioneering communication, new.....	Ch.172	-	654
Technology infrastructure stabilization fund, reapprop.	Ch. 11	-	102
Telecommunications, security, harassment, amend.....	Ch.253	-	892

SECRETARY OF STATE

Canvass bd, report, amend.....	Ch.201 -	715
Office of the secretary of state, additional, approp...	Ch. 95 -	441
Secretary of state, maintenance, approp.....	Ch. 5 -	16
Voting machines, ballots, amend, new.....	Ch.260 -	901

SECURITY

Volunteer security for religious body, immunity, new...	Ch.256 -	895
---	----------	-----

SENATE

See also LEGISLATURE

SEX OFFENSES AND OFFENDERS

Disclosing explicit synthetic media, new.....	Ch.105 -	472
Human trafficking, interstate, prostitution, amend, new	Ch.147 -	558
Sexual offender, aggravated offense, definition, amend.	Ch.258 -	898

SHERIFFS

Crisis response, neurocognitive disorder, new.....	Ch.264 -	917
Estray, trespassing, livestock, amend, new.....	Ch.263 -	916
Paul nettleton, honoring 50 years of service.....	HCR028 -	1113
Sheriff, duties, temporarily close highway/roads, amend	Ch.254 -	893

SMOKING

See TOBACCO

SOCIAL SECURITY

Public utilities, prohibit requiring SSN, new.....	Ch.272 -	944
--	----------	-----

SOCIAL WORK

Child protective act, notification of rights, new.....	Ch. 64 -	328
Providing shelter to runaways, shelter care, amend.....	Ch.248 -	880

SOIL

Soil and water conservation com, additional, approp....	Ch. 66 -	332
Soil and water conservation com, maintenance approp....	Ch. 7 -	34
Soil conservation district, supervisors, amend.....	Ch. 39 -	241

STATE AGENCIES

See GOVERNMENT

STATE APPELLATE PUBLIC DEFENDER

Counsel, children, indigent client, cost, amend, new...	Ch.270 -	936
State appellate public defender, additional, approp....	Ch.138 -	539
State appellate public defender, maintenance, approp...	Ch. 7 -	34

STATE PUBLIC DEFENDER

Counsel, children, indigent clients, cost, amend, new..	Ch.270 -	936
Health & social services ombudsman, amend, new.....	Ch.188 -	680
Office of state public defender, additional, approp....	Ch.137 -	538
State public defender, employees, sick time, amend.....	Ch.217 -	771
State public defender, employees, vacation time, amend.	Ch.160 -	614
State public defender, maintenance, approp.....	Ch. 7 -	34

STATEHOUSE

See CAPITOL

STATUTES

See CODES

STREAMS

See WATER

STUDENTS

Abortion prohibited in sex education curricula, amend..	Ch.177	-	663
Advanced opportunities funding, students, amend.....	Ch.139	-	540
Advanced opportunity scholarships, rulemaking, amend...	Ch. 76	-	366
Career students/students services program, approp.....	Ch.291	-	991
Class D driver's application, guardian or parent, amend	Ch. 33	-	229
Eligible education expense, empowering parents, amend..	Ch.277	-	951
HB500 trailer bill, id opportunity scholarship, amend..	Ch.274	-	945
HB521 trailer bill, education funding, amend.....	Ch.302	-	1011
Holocaust education.....	HCR025	-	1110
Idaho launch grant, amend.....	Ch.290	-	984
Immunization exemptions, student of majority age, amend	Ch.225	-	793
Public schools, HB460, approp.....	Ch.303	-	1019
Reading indicator assessment exemption, amend.....	Ch. 29	-	222
Teachers duties, physical escort, restraint, amend.....	Ch. 85	-	383

SUBSTANCE ABUSE

Fentanyl, penalty, mandatory minimum sentencing, new...	Ch. 4	-	14
H&W, substance abuse, mental health, additional, approp	Ch.313	-	1038
Syringe and needle exchange act, repeal.....	Ch.192	-	688
Uniform controlled substances, fentanyl, testing, amend	Ch. 68	-	334

SUICIDE

Education dept, suicide prevention report, approp.....	Ch.291	-	991
--	--------	---	-----

SUPERINTENDENT OF PUBLIC INSTRUCTION

See also EDUCATION

SUPREME COURT

See COURTS

TAX AND TAXATION

Approving pending rules, idaho state tax com.....	HCR033	-	1117
Approving pending rules, state bd of tax appeals.....	HCR047	-	1123
Board of tax appeals, additional, approp.....	Ch. 80	-	373
Consistency in knife regulation, new.....	Ch.221	-	777
Electioneering message, tax correspondence, amend.....	Ch. 46	-	253
Evidence of expenditures, sworn statement, amend.....	Ch. 30	-	224
Federally recognized tribal member, income tax, amend..	Ch. 2	-	3
Homestead property tax exemption, amend.....	Ch.168	-	642
Income tax, internal revenue code definition, amend....	Ch. 1	-	3
Irrigation districts, delinquent assessments, amend....	Ch.157	-	607
Sales tax exemption, grain bin equipment, amend.....	Ch.297	-	1004
State commissioners salaries, amend, approp.....	Ch.245	-	870
State tax commission, additional, approp.....	Ch. 48	-	256
Tax com, maintenance, approp.....	Ch. 10	-	92
Tax deficiencies, interest, income, sales, amend.....	Ch.116	-	499
Tax relief, estates, income, corporate, amend.....	Ch.237	-	823

TAX AND TAXATION, INCOME

Income tax, internal revenue code definition, amend....	Ch. 1	-	3
Tax deficiencies, interest, income, sales, amend.....	Ch.116	-	499

TAX AND TAXATION, PROPERTY

Homestead property tax exemption, amend.....	Ch.168	-	642
Irrigation districts, delinquent assessments, amend....	Ch.157	-	607

Property tax relief, homeowner, amend.....	Ch.237 -	823
Sale, county property acquired through tax deed, amend.	Ch. 22 -	173
TAX AND TAXATION, SALES AND USE		
Tax deficiencies, interest, income, sales, amend.....	Ch.116 -	499
TEACHING AND TEACHERS		
Abortion prohibited in sex education curricula, amend..	Ch.177 -	663
Civics education, importance, concurrent resolution....	SCR116 -	1100
Holocaust education.....	HCR025 -	1110
Public schools educational, div of teachers, approp....	Ch.293 -	994
Reading indicator assessment exemption, amend.....	Ch. 29 -	222
Teachers duties, physical escort, restraint, amend.....	Ch. 85 -	383
TECHNOLOGY		
See SCIENCE AND TECHNOLOGY		
TELECOMMUNICATIONS		
Telecommunications, security, harassment, amend.....	Ch.253 -	892
TELEVISION		
Idaho public television, additional, approp.....	Ch. 70 -	360
Idaho public television, additional, approp.....	Ch.193 -	688
THERAPISTS AND THERAPY		
See HEALTH CARE PROFESSIONS AND PROVIDERS		
TOBACCO		
H&W, allowing funding for smoking cessation, approp....	Ch.319 -	1055
TRANSPORTATION		
Approving pending rules for idaho transportation dept..	SCR119 -	1103
Approving pending rules, idaho state police, ITD.....	SCR120 -	1103
Consistency in knife regulation, new.....	Ch.221 -	777
Driver's license cancellation or revocation, amend.....	Ch. 40 -	244
Driver's license fees, motorcycle safety fund, amend...	Ch. 13 -	116
ITD, strategic initiatives program, grant, amend.....	Ch.229 -	807
Port of entry, stopping inspection, technology, amend.	Ch. 14 -	127
Transportation dept, maintenance, approp.....	Ch. 7 -	34
TREASURER, STATE		
Canvass bd, report, amend.....	Ch.201 -	715
Idaho global entrepreneurial mission, repeal.....	Ch.120 -	506
Public charter school revolving loan fund, amend.....	Ch. 43 -	249
Revised unclaimed property act, repeal, new.....	Ch. 27 -	181
State treasurer, additional, amend.....	Ch. 94 -	440
State treasurer, maintenance, approp.....	Ch. 5 -	16
UNIONS		
See LABOR		
UNIVERSITIES		
See COLLEGES AND UNIVERSITIES		
UTILITIES		
Approving pending rules, public utilities com.....	HCR052 -	1127
Electrical inspection, plumbing code enforcement, amend	Ch. 54 -	268
Public utilities com, maintenance, approp.....	Ch. 7 -	34
Public utilities commission, additional, approp.....	Ch. 91 -	430
Public utilities, existing agreements, new.....	Ch. 45 -	252
Public utilities, prohibit requiring SSN, new.....	Ch.272 -	944

State commissioners salaries, amend, approp.....	Ch.245	-	870
VEHICLES			
See MOTOR VEHICLES			
VETERANS			
Div of veterans services, maintenance, approp.....	Ch. 7	-	34
Division of veterans services, additional, approp.....	Ch.143	-	550
Purple heart recipient, fees, amend.....	Ch. 83	-	379
Veterans cemeteries, eligibility, new.....	Ch.141	-	546
Veterans home, property of deceased resident, amend....	Ch.185	-	673
VETERINARY MEDICINE			
Veterinary school, livestock, idaho and utah.....	SCR111	-	1098
VISUALLY IMPAIRED			
See BLIND			
VOCATIONAL REHABILITATION			
Div of vocational rehabilitation, additional, approp...	Ch.181	-	668
VOLUNTEERS			
Immunity of volunteer ski or bike patroller, new.....	Ch.114	-	494
Volunteer security for religious body, immunity, new...	Ch.256	-	895
VOTING AND VOTERS			
Ballot tampering, harvesting, amend.....	Ch.317	-	1050
Canvass bd, report, amend.....	Ch.201	-	715
Electioneering message, tax correspondence, amend.....	Ch. 46	-	253
Independent candidates, president/vice president, amend	Ch. 32	-	228
Petitions, circulation, paid signature gatherers, amend	Ch.285	-	973
Synthetic media, electioneering communication, new....	Ch.172	-	654
Voting machines, ballots, amend, new.....	Ch.260	-	901
WATER			
Approving pending rules, dept of water resources.....	SCR126	-	1107
Dept of water resources, additional, approp.....	Ch.126	-	512
Eastern snake plain aquifer area, ground water, new....	Ch.110	-	483
Ground water district, irrigation, assessments, amend..	Ch. 60	-	286
Injection wells, amend.....	Ch. 20	-	161
Invasive species fund, conveyance definition, amend....	Ch.122	-	508
Irrigation district, election of director, amend.....	Ch. 92	-	431
Irrigation districts, delinquent assessments, amend....	Ch.157	-	607
Joint memorial, dams, columbia-snake river system.....	SJM103	-	1095
Kootenai river water rights adjudication, new.....	Ch.223	-	789
Permitting existing encroachments, clarify, amend.....	Ch.121	-	507
Public utilities, existing agreements, new.....	Ch. 45	-	252
Rights-of-way, land, irrigation, amend, new.....	Ch. 93	-	432
Soil and water conservation com, additional, approp....	Ch. 66	-	332
Soil and water conservation com, maintenance, approp...	Ch. 7	-	34
Water Resources dept, maintenance, approp.....	Ch. 6	-	21
Water pollution control fund, transferring, approp.....	Ch.135	-	533
WEAPONS			
Concealed weapons, certain state property, amend.....	Ch.206	-	732
Consistency in knife regulation, new.....	Ch.221	-	777
Don't tread on me plates, firearms safety grant, new...	Ch.187	-	675
Immunity of employers, employee carrying firearm, amend	Ch.174	-	657
Joint memorial, hearing protection, guns, suppressors..	SJM104	-	1096

WELFARE

See PUBLIC ASSISTANCE

WILDERNESS

Sustainable management of national forests, new..... Ch.243 - 863

WILDLIFE

See also ANIMALS

CWD, cervidae, quarantine, fencing, tissue samples, new Ch.108 - 478

Invasive species fund, conveyance definition, amend.... Ch.122 - 508

Livestock depredation by grizzly bear and wolves, new.. Ch. 51 - 260

Nonresident, antlers, horns, hunting license, new..... Ch.255 - 895

Office of species conservation, additional, approp..... Ch. 56 - 273

Wildlife records exempt from disclosure, amend..... Ch. 25 - 178

Wolf depredation control bd, compensation, amend..... Ch.203 - 721

WINE AND WINERIES

See LIQUOR

WOLVES

See WILDLIFE

WOMEN

See GENDER

WORKER'S COMPENSATION

Desired fund size multiplier, taxable wage base, amend. Ch. 15 - 129

Employment security, eligibility, suitable work, amend. Ch.200 - 708

ZONING

See PLANNING AND ZONING

CODE INDEX

TABLE OF AMENDMENTS, REPEALS, ADDITIONS, AND REFERENCES

Code citation, action, session law chapter number, and page number are shown for bills which passed

TITLE 1		
Title 1	Referred to	Ch.113 - 492
1-2001	Amended	Ch.325 - 1073
1-2004	Referred to	Ch.103 - 470
1-2224	Amended	Ch.325 - 1077
TITLE 5		
5-306	Referred to	Ch.327 - 1082
5-341	Amended	Ch.174 - 657
5-347	New Section Added	Ch.114 - 494
5-347	New Section Added	Ch.256 - 895
Ch.4	Referred to	Ch.113 - 491
5-514	Referred to	Ch.113 - 490
TITLE 6		
6-303	Referred to	Ch.269 - 932
6-303A	New Section Added	Ch.269 - 932
Ch.9	Referred to	Ch. 9 - 65
Ch.9	Referred to	Ch.148 - 596
Ch.9	Referred to	Ch.264 - 918
Ch.9	Referred to	Ch.327 - 1082
Ch.38	New Chapter Added	Ch.113 - 486
6-3801	New Section Added	Ch.113 - 486
6-3802	New Section Added	Ch.113 - 487
6-3803	New Section Added	Ch.113 - 489
6-3804	New Section Added	Ch.113 - 489
6-3805	New Section Added	Ch.113 - 491
6-3806	New Section Added	Ch.113 - 491
6-3807	New Section Added	Ch.113 - 491
6-3808	New Section Added	Ch.113 - 492
6-3809	New Section Added	Ch.113 - 493
TITLE 10		
Ch.12	Referred to	Ch.113 - 492
10-1215	Amended	Ch. 16 - 391
TITLE 14		
14-105	Amended	Ch. 27 - 217
14-113	Amended	Ch. 27 - 217
Ch.5	Repealed	Ch. 27 - 182
14-501	Repealed	Ch. 27 - 182
14-502	Repealed	Ch. 27 - 182
14-503	Repealed	Ch. 27 - 182
14-504	Repealed	Ch. 27 - 182
14-505	Repealed	Ch. 27 - 182
14-506	Repealed	Ch. 27 - 182
14-507	Repealed	Ch. 27 - 182
14-508	Repealed	Ch. 27 - 182

14-509	Repealed	Ch. 27 - 182
14-510	Repealed	Ch. 27 - 182
14-511	Repealed	Ch. 27 - 182
14-512	Repealed	Ch. 27 - 182
14-513	Repealed	Ch. 27 - 182
14-514	Repealed	Ch. 27 - 182
14-515	Repealed	Ch. 27 - 182
14-516	Repealed	Ch. 27 - 182
14-517	Repealed	Ch. 27 - 182
14-518	Repealed	Ch. 27 - 182
14-519	Repealed	Ch. 27 - 182
14-520	Repealed	Ch. 27 - 182
14-521	Repealed	Ch. 27 - 182
14-522	Repealed	Ch. 27 - 182
14-523	Repealed	Ch. 27 - 182
14-524	Repealed	Ch. 27 - 182
14-525	Repealed	Ch. 27 - 182
14-526	Repealed	Ch. 27 - 182
14-527	Repealed	Ch. 27 - 182
14-528	Repealed	Ch. 27 - 182
14-529	Repealed	Ch. 27 - 182
14-530	Repealed	Ch. 27 - 182
14-531	Repealed	Ch. 27 - 182
14-532	Repealed	Ch. 27 - 182
14-533	Repealed	Ch. 27 - 182
14-534	Repealed	Ch. 27 - 182
14-535	Repealed	Ch. 27 - 182
14-536	Repealed	Ch. 27 - 182
14-537	Repealed	Ch. 27 - 182
14-539	Repealed	Ch. 27 - 182
14-540	Repealed	Ch. 27 - 182
14-541	Repealed	Ch. 27 - 182
14-542	Repealed	Ch. 27 - 182
14-543	Repealed	Ch. 27 - 182
Ch. 5	New Chapter Added	Ch. 27 - 182
Pt. 1	New Part Added	Ch. 27 - 182
14-5-101	New Section Added	Ch. 27 - 182
14-5-102	New Section Added	Ch. 27 - 182
14-5-103	New Section Added	Ch. 27 - 186
14-5-104	New Section Added	Ch. 27 - 186
Pt. 2	New Part Added	Ch. 27 - 187
14-5-201	New Section Added	Ch. 27 - 187
14-5-202	New Section Added	Ch. 27 - 188
14-5-203	New Section Added	Ch. 27 - 189
14-5-204	New Section Added	Ch. 27 - 189
14-5-205	New Section Added	Ch. 27 - 190
14-5-206	New Section Added	Ch. 27 - 190
14-5-207	New Section Added	Ch. 27 - 190
14-5-208	New Section Added	Ch. 27 - 191
14-5-209	New Section Added	Ch. 27 - 191
14-5-210	New Section Added	Ch. 27 - 192
14-5-211	New Section Added	Ch. 27 - 193
14-5-212	New Section Added	Ch. 27 - 193
Pt. 3	New Part Added	Ch. 27 - 193
14-5-301	New Section Added	Ch. 27 - 193

14-5-302	New Section Added	Ch. 27 - 194
14-5-303	New Section Added	Ch. 27 - 194
14-5-304	New Section Added	Ch. 27 - 194
14-5-305	New Section Added	Ch. 27 - 194
14-5-306	New Section Added	Ch. 27 - 195
Pt. 4	New Part Added	Ch. 27 - 195
14-5-401	New Section Added	Ch. 27 - 195
14-5-402	New Section Added	Ch. 27 - 195
14-5-403	New Section Added	Ch. 27 - 196
14-5-404	New Section Added	Ch. 27 - 196
14-5-405	New Section Added	Ch. 27 - 196
14-5-406	New Section Added	Ch. 27 - 196
Pt. 5	New Part Added	Ch. 27 - 197
14-5-501	New Section Added	Ch. 27 - 197
14-5-502	New Section Added	Ch. 27 - 198
14-5-503	New Section Added	Ch. 27 - 198
14-5-504	New Section Added	Ch. 27 - 199
Pt. 6	New Part Added	Ch. 27 - 199
14-5-601	New Section Added	Ch. 27 - 199
14-5-602	New Section Added	Ch. 27 - 199
14-5-603	New Section Added	Ch. 27 - 200
14-5-604	New Section Added	Ch. 27 - 200
14-5-605	New Section Added	Ch. 27 - 201
14-5-606	New Section Added	Ch. 27 - 202
14-5-607	New Section Added	Ch. 27 - 202
14-5-608	New Section Added	Ch. 27 - 202
14-5-609	New Section Added	Ch. 27 - 203
14-5-610	New Section Added	Ch. 27 - 203
Pt. 7	New Part Added	Ch. 27 - 203
14-5-701	New Section Added	Ch. 27 - 203
14-5-702	New Section Added	Ch. 27 - 204
14-5-703	New Section Added	Ch. 27 - 204
14-5-704	New Section Added	Ch. 27 - 204
14-5-705	New Section Added	Ch. 27 - 204
Pt. 8	New Part Added	Ch. 27 - 204
14-5-801	New Section Added	Ch. 27 - 204
14-5-802	New Section Added	Ch. 27 - 206
14-5-803	New Section Added	Ch. 27 - 206
Pt. 9	New Part Added	Ch. 27 - 206
14-5-901	New Section Added	Ch. 27 - 206
14-5-902	New Section Added	Ch. 27 - 206
14-5-903	New Section Added	Ch. 27 - 207
14-5-904	New Section Added	Ch. 27 - 207
14-5-905	New Section Added	Ch. 27 - 208
14-5-906	New Section Added	Ch. 27 - 209
14-5-907	New Section Added	Ch. 27 - 209
Pt. 10	New Part Added	Ch. 27 - 209
14-5-1001	New Section Added	Ch. 27 - 209
14-5-1002	New Section Added	Ch. 27 - 209
14-5-1003	New Section Added	Ch. 27 - 210
Pt. 11	New Part Added	Ch. 27 - 210
14-5-1101	New Section Added	Ch. 27 - 210
14-5-1102	New Section Added	Ch. 27 - 211
Pt. 12	New Chapter Added	Ch. 27 - 211
14-5-1201	New Section Added	Ch. 27 - 211

14-5-1202	New Section Added	Ch. 27 -	212
14-5-1203	New Section Added	Ch. 27 -	212
14-5-1204	New Section Added	Ch. 27 -	213
14-5-1205	New Section Added	Ch. 27 -	213
14-5-1206	New Section Added	Ch. 27 -	213
Pt.13	New Part Added	Ch. 27 -	213
14-5-1301	New Section Added	Ch. 27 -	213
14-5-1302	New Section Added	Ch. 27 -	213
Pt.14	New Part Added	Ch. 27 -	214
14-5-1401	New Section Added	Ch. 27 -	214
14-5-1402	New Section Added	Ch. 27 -	214
14-5-1403	New Section Added	Ch. 27 -	215
14-5-1404	New Section Added	Ch. 27 -	215
14-5-1405	New Section Added	Ch. 27 -	215
14-5-1406	New Section Added	Ch. 27 -	215
14-5-1407	New Section Added	Ch. 27 -	216
Pt.15	New Part Added	Ch. 27 -	216
14-5-1501	New Section Added	Ch. 27 -	216
14-5-1502	New Section Added	Ch. 27 -	216
14-5-1503	New Section Added	Ch. 27 -	216
14-5-1504	New Section Added	Ch. 27 -	217
TITLE 15			
15-2-103	Referred to	Ch. 27 -	208
15-3-914	Amended	Ch. 27 -	217
Ch.12	Referred to	Ch. 27 -	209
TITLE 16			
16-103	Amended	Ch. 16 -	132
16-1506	Amended	Ch.142 -	547
Ch.16	Referred to	Ch.188 -	681
Ch.16	Referred to	Ch.270 -	940
16-1602	Amended	Ch.147 -	576
16-1602	Referred to	Ch.148 -	595
16-1614	Amended	Ch.270 -	936
16-1619A	Referred to	Ch.153 -	601
16-1619B	New Section Added	Ch.153 -	600
16-1625	Referred to	Ch.270 -	940
16-1647	Referred to	Ch.188 -	681
16-1648	New Section Added	Ch. 64 -	328
16-1648	New Section Added	Ch.166 -	632
16-2002	Amended	Ch. 16 -	134
16-2422	Amended	Ch.304 -	1024
TITLE 18			
18-101A	Referred to	Ch.241 -	862
18-111	Referred to	Ch. 90 -	429
18-113	Referred to	Ch.168 -	644
18-604	Referred to	Ch. 53 -	267
18-608	Referred to	Ch. 72 -	363
18-617	Referred to	Ch. 72 -	363
18-918	Amended	Ch.163 -	620
18-918	Amended	Ch.261 -	908
18-923	Amended	Ch.261 -	911
18-924	Referred to	Ch.147 -	568
18-925	Referred to	Ch.147 -	568
18-1351	Referred to	Ch. 9 -	65
18-1506	Referred to	Ch.147 -	568

18-1506C	Amended	Ch.322	- 1065
18-1506C	Referred to	Ch.209	- 744
18-1507	Amended	Ch.194	- 692
18-1507	Referred to	Ch.147	- 568
18-1507A	Amended	Ch.194	- 695
18-1507A	Referred to	Ch.147	- 568
18-1507C	New Section Added	Ch.194	- 695
18-1508	Referred to	Ch.147	- 568
18-1508A	Referred to	Ch.147	- 568
18-1509A	Referred to	Ch.194	- 699
18-1510	Amended	Ch.248	- 880
18-1511	Amended	Ch.231	- 813
18-1511	Amended	Ch.232	- 814
18-1513	Referred to	Ch.194	- 699
18-1514	Amended	Ch.327	- 1080
18-1515	Referred to	Ch.194	- 699
18-1517B	New Section Added	Ch.327	- 1081
18-1601	Referred to	Ch.147	- 568
18-2306	Amended	Ch.260	- 901
18-2316	Amended	Ch.317	- 1050
18-2318	Amended	Ch.195	- 700
18-2324	New Section Added	Ch.317	- 1050
18-3302	Amended	Ch.206	- 732
18-3302	Referred to	Ch.221	- 777
18-3302	Referred to	Ch.238	- 849
18-3302A	Referred to	Ch.221	- 777
18-3302C	Referred to	Ch.206	- 738
18-3309	Referred to	Ch.206	- 738
18-3327	New Section Added	Ch.221	- 777
18-4017	Referred to	Ch.148	- 595
18-4308	New Section Added	Ch. 93	- 439
18-4308	Repealed	Ch. 93	- 439
Ch.56	Heading Amended	Ch.147	- 559
18-5601	New Section Added	Ch.147	- 559
18-5601	Repealed	Ch.147	- 559
18-5602	Amended	Ch.147	- 560
18-5603	Amended	Ch.147	- 560
18-5604	Amended	Ch.147	- 560
18-5605	Amended	Ch.147	- 560
18-5606	Amended	Ch.147	- 561
18-5607	New Section Added	Ch.147	- 561
18-5608	Amended	Ch.147	- 561
18-5609	Amended	Ch.147	- 562
18-5610	Amended	Ch.147	- 562
18-5611	Amended	Ch.147	- 562
18-5612	Amended	Ch.147	- 562
18-5613	New Section Added	Ch.147	- 563
18-5613	Repealed	Ch.147	- 563
18-5614	Amended	Ch.147	- 563
18-5620	Amended	Ch.147	- 564
18-5621	Amended	Ch.147	- 564
18-5702	Referred to	Ch.209	- 746
18-6101	Referred to	Ch.258	- 898
18-6601	Referred to	Ch.147	- 569
18-6602	Referred to	Ch.147	- 569

18-6603	Referred to	Ch.147	-	569
18-6604	Referred to	Ch.147	-	569
18-6606	New Section Added	Ch.105	-	472
18-6710	Amended	Ch.253	-	892
18-7008	Referred to	Ch.263	-	917
18-7012	Referred to	Ch.263	-	917
18-7803	Amended	Ch.147	-	580
18-8002A	Referred to	Ch.169	-	651
18-8005	Amended	Ch.252	-	887
18-8006A	New Section Added	Ch. 90	-	429
18-8303	Amended	Ch.147	-	581
18-8303	Amended	Ch.258	-	898
18-8304	Amended	Ch.147	-	583
18-8502	Amended	Ch.147	-	584
18-8602	New Section Added	Ch.147	-	565
18-8602	Repealed	Ch.147	-	565
18-8603	New Section Added	Ch.147	-	566
18-8603	Repealed	Ch.147	-	566
18-8604	Amended	Ch.147	-	566
18-8605	New Section Added	Ch.147	-	566
18-8605	Repealed	Ch.147	-	566
18-8606	Amended	Ch.147	-	567
18-8607	New Section Added	Ch.147	-	567
18-8608	New Section Added	Ch.147	-	568
18-8609	New Section Added	Ch.147	-	569
18-8610	New Section Added	Ch.147	-	569
18-8611	New Section Added	Ch.147	-	569
18-8612	New Section Added	Ch.147	-	570
18-8613	New Section Added	Ch.147	-	570
18-8614	New Section Added	Ch.147	-	571
18-8615	New Section Added	Ch.147	-	571
18-8616	New Section Added	Ch.147	-	571
18-8617	New Section Added	Ch.147	-	573
18-8618	New Section Added	Ch.147	-	575
18-8619	New Section Added	Ch.147	-	575
18-8620	New Section Added	Ch.147	-	575
18-8621	New Section Added	Ch.147	-	576
18-8622	New Section Added	Ch.147	-	576
18-8707	Amended	Ch.177	-	663
Ch.89	New Chapter Added	Ch.209	-	745
18-8901	New Section Added	Ch.209	-	745
TITLE 19				
19-852	Amended	Ch.270	-	939
	(as amended by Sec. 5, Ch. 220, Laws of 2023)			
19-2513	Amended	Ch.164	-	623
19-2601	Referred to	Ch. 90	-	429
19-2715	Amended	Ch.164	-	623
Ch.49	Referred to	Ch.270	-	940
Ch.53	Referred to	Ch. 90	-	429
19-5702	Amended	Ch.147	-	585
19-5905	Amended	Ch.270	-	937
19-5905	Referred to	Ch.270	-	940
Ch.60	Heading Amended and Redesignated Ch.61. Ch. 16		-	136
	(as enacted by Sec. 1, Ch. 263, Laws of 2023)			
Ch.60	Heading Amended and Redesignated Ch.62. Ch. 16		-	138
	(as enacted by Sec. 1, Ch. 179, Laws of 2023)			

19-6001	Amended and Redesignated 19-6101	Ch. 16 -	136
	(as enacted by Sec. 1, Ch. 263, Laws of 2023)		
19-6001	Amended and Redesignated 19-6201	Ch. 16 -	138
	(as enacted by Sec. 1, Ch. 179, Laws of 2023)		
19-6001	Amended and Redesignated 19-6201	Ch.250 -	885
	(as enacted by Sec. 1, Ch. 179, Laws of 2023)		
19-6002	Amended and Redesignated 19-6102	Ch. 16 -	137
	(as enacted by Sec. 1, Ch. 263, Laws of 2023)		
19-6002	Amended and Redesignated 19-6202	Ch. 16 -	138
	(as enacted by Sec. 1, Ch. 179, Laws of 2023)		
19-6003	Amended and Redesignated 19-6103	Ch. 16 -	137
	(as enacted by Sec. 1, Ch. 263, Laws of 2023)		
19-6003	Amended and Redesignated 19-6203	Ch. 16 -	139
	(as enacted by Sec. 1, Ch. 179, Laws of 2023)		
19-6004	Amended and Redesignated 19-6204	Ch. 16 -	139
	(as enacted by Sec. 1, Ch. 179, Laws of 2023)		
19-6005	Amended	Ch.270 -	938
	(as enacted by Sec. 1, Ch. 220, Laws of 2023)		
19-6020	New Section Added	Ch.270 -	940
Ch.61	Heading Redesignated from Ch.60	Ch. 16 -	136
	(as enacted by Sec. 1, Ch. 263, Laws of 2023)		
19-6101	Redesignated from 19-6001	Ch. 16 -	136
	(as enacted by Sec. 1, Ch. 263, Laws of 2023)		
19-6102	Redesignated from 19-6002	Ch. 16 -	137
	(as enacted by Sec. 1, Ch. 263, Laws of 2023)		
19-6103	Redesignated from 19-6003	Ch. 16 -	137
	(as enacted by Sec. 1, Ch. 263, Laws of 2023)		
Ch.62	Heading Redesignated from Ch.60	Ch. 16 -	138
	(as enacted by Sec. 1, Ch. 179, Laws of 2023)		
19-6201	Redesignated from 19-6001	Ch. 16 -	138
	(as enacted by Sec. 1, Ch. 179, Laws of 2023)		
19-6201	Redesignated from 19-6001	Ch.250 -	885
19-6202	Redesignated from 19-6002	Ch. 16 -	138
	(as enacted by Sec. 1, Ch. 179, Laws of 2023)		
19-6203	Redesignated from 19-6003	Ch. 16 -	139
	(as enacted by Sec. 1, Ch. 179, Laws of 2023)		
19-6204	Redesignated from 19-6004	Ch. 16 -	139
	(as enacted by Sec. 1, Ch. 179, Laws of 2023)		
TITLE 20			
Title 20	Referred to	Ch.221 -	777
20-101D	Referred to	Ch.164 -	623
20-201	Amended	Ch.164 -	624
20-242	Amended	Ch.196 -	701
Ch.5	Referred to	Ch.188 -	682
Ch.5	Referred to	Ch.270 -	940
20-520	Amended	Ch.249 -	881
20-525A	Amended	Ch.184 -	671
Ch.10	Referred to	Ch.164 -	630
20-1001	Amended	Ch.164 -	624
20-1002	Amended	Ch.164 -	624
20-1003	Amended	Ch.164 -	625
20-1004	Amended	Ch.164 -	626
20-1005	Amended	Ch.164 -	627
20-1007	Amended	Ch.164 -	628
20-1008	Amended	Ch.164 -	629

20-1016	Referred to	Ch.164 -	623
TITLE 22			
Ch.2	Referred to	Ch.321 -	1062
Ch.10	New Chapter Added	Ch.176 -	662
22-1001	New Section Added	Ch.176 -	662
22-1002	New Section Added	Ch.176 -	662
22-1904	Amended	Ch.122 -	508
22-1905A	New Section Added	Ch.122 -	508
22-1911	Amended	Ch.122 -	509
22-2007	Amended	Ch. 28 -	221
22-2612	Amended	Ch. 16 -	139
22-2721	Amended	Ch. 39 -	241
22-2727	Referred to	Ch. 7 -	45
22-3401	Amended	Ch. 52 -	261
22-3404	Amended	Ch. 52 -	264
22-3406A	Amended	Ch. 52 -	266
22-3414	Amended	Ch. 52 -	266
22-3417B	New Section Added	Ch. 88 -	427
Ch.45	Referred to	Ch.215 -	766
22-5304	Amended	Ch.203 -	721
TITLE 23			
23-302	Amended	Ch.307 -	1031
23-903	Amended	Ch.295 -	996
23-903	Referred to	Ch.284 -	972
23-903c	New Section Added	Ch.284 -	971
23-904	Referred to	Ch.284 -	972
23-908	Referred to	Ch.295 -	1000
23-942	Referred to	Ch.284 -	972
23-950	Referred to	Ch.295 -	1000
23-1003	Amended	Ch.279 -	957
23-1007	Amended	Ch.279 -	958
23-1032	Amended	Ch.279 -	958
23-1033	Amended	Ch.279 -	959
23-1401	Amended	Ch. 16 -	140
TITLE 25			
Ch.9	Referred to	Ch. 38 -	240
25-2118	Referred to	Ch.263 -	916
25-2301	Amended	Ch.263 -	916
25-2302	Amended	Ch.263 -	916
25-2309	Amended	Ch.263 -	916
25-2313	New Section Added	Ch.263 -	917
25-2703	Amended	Ch. 16 -	140
25-3705C	New Section Added	Ch.108 -	478
TITLE 26			
26-2104	Amended	Ch.130 -	520
26-2105	Amended	Ch.130 -	522
26-2106	Amended	Ch.130 -	523
26-2108	Amended	Ch.130 -	523
26-2110	Amended	Ch.130 -	525
26-2112	Repealed	Ch.130 -	525
26-2127	Amended	Ch.130 -	526
26-2129	Referred to	Ch.130 -	521
26-2145	Amended	Ch.130 -	527
26-2146	Repealed	Ch.130 -	528
26-2147	Repealed	Ch.130 -	528

26-2148	Repealed	Ch.130 -	528
26-2149	Repealed	Ch.130 -	528
26-2150	Repealed	Ch.130 -	528
26-2185	Amended	Ch.130 -	528
TITLE 27			
27-111	Amended	Ch. 42 -	248
TITLE 28			
28-8-102	Referred to	Ch. 27 -	186
Ch.51	Referred to	Ch. 27 -	216
28-51-104 thru			
28-51-107	Referred to	Ch. 27 -	214
TITLE 30			
Ch.30	Referred to	Ch. 9 -	65
TITLE 31			
31-107	Amended	Ch.222 -	778
31-111	Amended	Ch.222 -	779
31-118	Amended	Ch.208 -	743
31-120	Amended	Ch.222 -	780
31-130	Amended	Ch.222 -	781
31-131	Amended	Ch.222 -	783
31-136	Amended	Ch.208 -	744
31-142	Amended	Ch.222 -	786
Ch.8	Referred to	Ch.321 -	1062
31-808	Amended	Ch. 22 -	173
31-819	Referred to	Ch.173 -	656
31-1410A	Amended	Ch. 16 -	143
31-2202	Amended	Ch.254 -	893
31-3221	Amended	Ch.251 -	886
TITLE 32			
32-704	Amended	Ch.233 -	815
32-1015	New Section Added	Ch.148 -	594
32-1805	Amended	Ch.104 -	471
TITLE 33			
33-101	Referred to	Ch.301 -	1011
33-102	Amended	Ch.140 -	545
33-102A	Amended	Ch.237 -	826
33-102A	Amended	Ch.302 -	1012
	(as amended by Sec. 5, H 521, Laws of 2024)		
33-104	Amended	Ch.237 -	827
33-107A	Amended	Ch.161 -	616
33-119	Referred to	Ch. 9 -	79
33-122	Referred to	Ch. 9 -	78
33-130	Referred to	Ch. 9 -	70
33-130	Referred to	Ch. 9 -	78
33-142	New Section Added	Ch.131 -	529
Ch.2	Referred to	Ch. 9 -	78
33-319	Referred to	Ch. 33 -	230
33-320	Referred to	Ch.205 -	727
33-356	Amended	Ch.237 -	846
33-504	Amended	Ch.219 -	773
33-507	Referred to	Ch. 9 -	65
33-510	Amended	Ch.133 -	531
33-510	Amended	Ch.219 -	774
33-527	New Section Added	Ch. 50 -	259
33-701	Referred to	Ch. 9 -	78

33-705	Amended	Ch. 23 -	176
33-802A	Amended	Ch.237 -	829
33-905	Repealed	Ch.237 -	827
33-906	Referred to	Ch.205 -	730
33-906	Repealed	Ch.237 -	827
33-906A	Repealed	Ch.237 -	827
33-906B	Repealed	Ch.237 -	829
33-907	Amended	Ch.237 -	829
33-907	Referred to	Ch.303 -	1021
33-910	Amended	Ch.178 -	664
33-911	Amended	Ch.237 -	825
33-911	Amended	Ch.302 -	1012
	(as amended by Sec. 4, H 521, Laws of 2024)		
33-911	Referred to	Ch.303 -	1021
33-912	New Section Added	Ch.237 -	829
33-913	New Section Added	Ch.237 -	829
33-914	New Section Added	Ch.237 -	829
33-915	New Section Added	Ch.237 -	829
33-916	Amended	Ch.302 -	1013
	(as added by Sec. 18, H 521, Laws of 2024)		
33-916	New Section Added	Ch.237 -	830
33-917	Amended	Ch.302 -	1014
	(as added by Sec. 19, H 521, Laws of 2024)		
33-917	New Section Added	Ch.237 -	830
33-918	New Section Added	Ch.237 -	830
Ch.10	Referred to	Ch. 9 -	74
33-1001	Referred to	Ch. 9 -	69
33-1001	Referred to	Ch. 9 -	73
33-1002	Amended	Ch. 9 -	81
33-1002	Referred to	Ch. 9 -	74
33-1002C	Referred to	Ch. 9 -	74
33-1003A	Referred to	Ch.302 -	1016
33-1004	Referred to	Ch. 9 -	76
33-1004B	Referred to	Ch. 17 -	157
33-1004B	Referred to	Ch.205 -	727
33-1004E	Amended	Ch.205 -	725
33-1004E	Amended	Ch.303 -	1021
33-1004E	Referred to	Ch. 9 -	76
33-1004E	Referred to	Ch. 17 -	157
33-1006	Referred to	Ch. 9 -	75
33-1009	Amended	Ch. 9 -	85
33-1009	Referred to	Ch. 9 -	76
33-1018	Referred to	Ch.205 -	730
33-1018	Referred to	Ch.303 -	1021
33-1018B	Repealed	Ch.237 -	831
33-1018C	Amended	Ch.237 -	832
33-1019	Repealed	Ch.237 -	833
33-1020	Amended	Ch. 17 -	157
33-1021	Referred to	Ch. 9 -	76
33-1030	Amended	Ch.277 -	951
33-1031	Amended	Ch.277 -	952
33-1102	Amended	Ch.237 -	832
Ch.12	Referred to	Ch. 9 -	70
33-1208	Amended	Ch.147 -	586
33-1208	Referred to	Ch. 9 -	71

33-1224	Amended	Ch. 85 -	383
33-1402	Amended	Ch. 16 -	143
33-1409	Referred to	Ch.303 -	1021
Ch.15	Referred to	Ch. 9 -	74
33-1608	Amended	Ch.131 -	529
33-1612	Amended	Ch. 9 -	87
33-1612	Referred to	Ch. 9 -	79
33-1614	Amended and Redesignated 33-1615	Ch. 16 -	143
	(as enacted by Sec. 1, Ch. 50, Laws of 2023)		
33-1615	Redesignated from 33-1614	Ch. 16 -	143
	(as enacted by Sec. 1, Ch. 50, Laws of 2023)		
33-1617	Referred to	Ch.205 -	729
33-1618	Amended	Ch. 29 -	222
33-1619	Amended	Ch. 9 -	88
33-1628	Amended	Ch.187 -	679
33-1703	Referred to	Ch. 33 -	230
33-1811	Amended	Ch. 29 -	222
33-2001	Referred to	Ch. 9 -	73
Ch.21	Referred to	Ch. 82 -	376
33-2205	Referred to	Ch. 9 -	71
33-2214	Referred to	Ch.303 -	1021
33-2215	Referred to	Ch. 9 -	71
33-2715	Amended	Ch.199 -	706
33-2718	Amended	Ch.199 -	707
33-3407	Amended	Ch. 9 -	88
33-4303	Amended	Ch. 82 -	376
33-4303	Amended	Ch.274 -	945
	(as amended by Sec. 1, H 500, Laws of 2024)		
33-4303	Referred to	Ch. 12 -	115
Ch.46	Referred to	Ch.205 -	729
33-4602	Amended	Ch. 76 -	366
33-4602	Amended	Ch.139 -	540
33-4602	Amended	Ch.290 -	987
33-4603	Amended	Ch.139 -	543
33-4904	Amended	Ch. 13 -	126
33-5201	New Section Added	Ch. 9 -	62
33-5201	Repealed	Ch. 9 -	62
33-5202	New Section Added	Ch. 9 -	62
33-5202	Repealed	Ch. 9 -	62
33-5202A	New Section Added	Ch. 9 -	63
33-5202A	Repealed	Ch. 9 -	63
33-5203	New Section Added	Ch. 9 -	64
33-5203	Repealed	Ch. 9 -	64
33-5204	New Section Added	Ch. 9 -	65
33-5204	Repealed	Ch. 9 -	64
33-5204A	Repealed	Ch. 9 -	66
33-5205	New Section Added	Ch. 9 -	66
33-5205	Repealed	Ch. 9 -	66
33-5205A	New Section Added	Ch. 9 -	68
33-5205A	Repealed	Ch. 9 -	68
33-5205B	New Section Added	Ch. 9 -	69
33-5205B	Repealed	Ch. 9 -	68
33-5205C	New Section Added	Ch. 9 -	70
33-5205C	Repealed	Ch. 9 -	69
33-5206	New Section Added	Ch. 9 -	70

33-5206	Repealed	Ch. 9	-	70
33-5207	Amended	Ch.302	-	1015
	(as added by Sec. 23, H 422, Laws of 2024)			
33-5207	New Section Added	Ch. 9	-	74
33-5207	Repealed	Ch. 9	-	74
33-5208	Repealed	Ch. 9	-	76
33-5209A	Amended	Ch.302	-	1018
	(as added by Sec. 26, H 422, Laws of 2024)			
33-5209A	New Section Added	Ch. 9	-	77
33-5209A	Repealed	Ch. 9	-	76
33-5209B	Repealed	Ch. 9	-	77
33-5209C	New Section Added	Ch. 9	-	78
33-5209C	Repealed	Ch. 9	-	77
33-5210	New Section Added	Ch. 9	-	78
33-5210	Repealed	Ch. 9	-	78
33-5211	New Section Added	Ch. 9	-	79
33-5211	Repealed	Ch. 9	-	79
33-5212	New Section Added	Ch. 9	-	79
33-5212	Repealed	Ch. 9	-	79
33-5213	New Section Added	Ch. 9	-	80
33-5213	Repealed	Ch. 9	-	80
33-5214	New Section Added	Ch. 9	-	80
33-5214	Repealed	Ch. 9	-	80
33-5215	Repealed	Ch. 9	-	80
33-5216	New Section Added	Ch. 50	-	260
33-5217	Amended	Ch. 43	-	249
33-5410	Amended	Ch. 27	-	218
33-5410	Referred to	Ch. 27	-	189
Ch.55	Referred to	Ch.205	-	728
33-5504A	Amended	Ch. 9	-	90
Ch.66	Heading Amended and Redesignated Ch.67.	Ch. 16	-	145
	(as enacted by Sec. 1, Ch. 120, Laws of 2023)			
33-6601	Amended and Redesignated 33-6701	Ch. 16	-	145
	(as enacted by Sec. 1, Ch. 120, Laws of 2023)			
33-6602	Amended and Redesignated 33-6702	Ch. 16	-	146
	(as enacted by Sec. 1, Ch. 120, Laws of 2023)			
33-6602	Amended and Redesignated 33-6702	Ch.322	-	1066
	(as enacted by Sec. 1, Ch. 120, Laws of 2023)			
33-6603	Amended and Redesignated 33-6703	Ch. 16	-	145
	(as enacted by Sec. 1, Ch. 120, Laws of 2023)			
33-6604	Amended and Redesignated 33-6704	Ch. 16	-	146
	(as enacted by Sec. 1, Ch. 120, Laws of 2023)			
33-6605	Amended and Redesignated 33-6705	Ch. 16	-	146
	(as enacted by Sec. 1, Ch. 120, Laws of 2023)			
33-6606	Amended and Redesignated 33-6706	Ch. 16	-	146
	(as enacted by Sec. 1, Ch. 120, Laws of 2023)			
33-6607	Amended and Redesignated 33-6707	Ch. 16	-	147
	(as enacted by Sec. 1, Ch. 120, Laws of 2023)			
Ch.67	Heading Redesignated from Ch.66	Ch. 16	-	145
	(as enacted by Sec. 1, Ch. 120, Laws of 2023)			
33-6701	Redesignated from 33-6601	Ch. 16	-	145
	(as enacted by Sec. 1, Ch. 120, Laws of 2023)			
33-6702	Redesignated from 33-6602	Ch. 16	-	146
	(as enacted by Sec. 1, Ch. 120, Laws of 2023)			
33-6702	Redesignated from 33-6602	Ch.322	-	1066
	(as enacted by Sec. 1, Ch. 120, Laws of 2023)			

33-6703	Redesignated from 33-6603	Ch. 16 -	145
	(as enacted by Sec. 1, Ch. 120, Laws of 2023)		
33-6704	Redesignated from 33-6604	Ch. 16 -	146
	(as enacted by Sec. 1, Ch. 120, Laws of 2023)		
33-6705	Redesignated from 33-6605	Ch. 16 -	146
	(as enacted by Sec. 1, Ch. 120, Laws of 2023)		
33-6706	Redesignated from 33-6606	Ch. 16 -	146
	(as enacted by Sec. 1, Ch. 120, Laws of 2023)		
33-6707	Redesignated from 33-6607	Ch. 16 -	147
	(as enacted by Sec. 1, Ch. 120, Laws of 2023)		
TITLE 34			
34-106	Amended	Ch. 237 -	826
34-107	Referred to	Ch. 168 -	647
34-701	Referred to	Ch. 168 -	647
34-704	Amended	Ch. 16 -	147
34-708A	Amended	Ch. 32 -	228
34-903	Amended	Ch. 260 -	907
34-913	Amended	Ch. 84 -	380
34-914	Amended	Ch. 84 -	381
34-1106A	Referred to	Ch. 260 -	905
34-1207	Amended	Ch. 201 -	716
34-1211	Amended	Ch. 201 -	716
34-1212	Amended	Ch. 201 -	716
34-1213	Amended	Ch. 201 -	717
34-1411	Amended	Ch. 260 -	907
34-1709	Referred to	Ch. 219 -	773
34-1712	Referred to	Ch. 219 -	773
34-1807	Amended	Ch. 285 -	973
34-2401	Amended	Ch. 260 -	902
34-2404	Amended	Ch. 260 -	902
34-2409	Amended	Ch. 260 -	903
34-2410	Amended	Ch. 260 -	904
34-2411	Amended	Ch. 260 -	905
34-2415	Amended	Ch. 260 -	905
34-2416	Amended	Ch. 260 -	905
34-2418	Amended	Ch. 260 -	906
34-2420	Amended	Ch. 260 -	906
34-2426	New Section Added	Ch. 260 -	906
34-2426	Repealed	Ch. 260 -	906
TITLE 36			
Ch. 4	Referred to	Ch. 255 -	895
36-508	New Section Added	Ch. 255 -	895
36-1121	New Section Added	Ch. 51 -	260
36-2102	Amended	Ch. 86 -	422
36-2108	Amended	Ch. 86 -	423
TITLE 37			
37-2705	Referred to	Ch. 4 -	14
37-2707	Referred to	Ch. 4 -	14
37-2732	Referred to	Ch. 4 -	14
37-2732B	Referred to	Ch. 4 -	15
37-2732D	New Section Added	Ch. 4 -	14
37-2734D	New Section Added	Ch. 4 -	15
37-2701	Amended	Ch. 68 -	334
37-2705	Amended	Ch. 21 -	165
37-2726	Amended	Ch. 69 -	354

Ch. 34	Repealed	Ch. 192	-	688
37-3401	Repealed	Ch. 192	-	688
37-3402	Repealed	Ch. 192	-	688
37-3403	Repealed	Ch. 192	-	688
37-3404	Amended	Ch. 69	-	356
37-3404	Repealed	Ch. 192	-	688
37-3405	Repealed	Ch. 192	-	688
37-3406	Repealed	Ch. 192	-	688
TITLE 38				
38-102	Amended	Ch. 243	-	865
38-131	Referred to	Ch. 146	-	557
38-131A	Referred to	Ch. 146	-	557
38-137	New Section Added	Ch. 243	-	865
38-137	Referred to	Ch. 243	-	864
Ch. 13	Referred to	Ch. 24	-	177
Ch. 17	New Chapter Added	Ch. 243	-	863
38-1701	New Section Added	Ch. 243	-	863
38-1702	New Section Added	Ch. 243	-	863
38-1703	New Section Added	Ch. 243	-	864
38-1704	New Section Added	Ch. 243	-	864
38-1704	Referred to	Ch. 320	-	1059
TITLE 39				
39-245A	Amended	Ch. 322	-	1066
39-411	Referred to	Ch. 8	-	59
39-411	Referred to	Ch. 319	-	1057
Ch. 11	Referred to	Ch. 191	-	688
39-1102	Referred to	Ch. 191	-	687
39-1113	Amended	Ch. 147	-	587
39-1202	Referred to	Ch. 248	-	881
Ch. 13	Referred to	Ch. 304	-	1025
39-1301	Referred to	Ch. 63	-	311
39-1301	Referred to	Ch. 264	-	918
39-1301A	Referred to	Ch. 63	-	311
39-2701	Referred to	Ch. 264	-	922
39-3340	Referred to	Ch. 63	-	316
39-3501	New Section Added	Ch. 63	-	311
39-3501	Repealed	Ch. 63	-	311
39-3502	New Section Added	Ch. 63	-	312
39-3502	Repealed	Ch. 63	-	311
39-3503	New Section Added	Ch. 63	-	314
39-3503	Repealed	Ch. 63	-	314
39-3504	Amended	Ch. 63	-	315
39-3505	New Section Added	Ch. 63	-	316
39-3505	Repealed	Ch. 63	-	316
39-3506	Amended	Ch. 63	-	318
39-3507	Amended	Ch. 63	-	318
39-3508	New Section Added	Ch. 63	-	319
39-3508	Repealed	Ch. 63	-	318
39-3509	New Section Added	Ch. 63	-	319
39-3509	Repealed	Ch. 63	-	319
39-3511	New Section Added	Ch. 63	-	320
39-3511	Repealed	Ch. 63	-	319
39-3512	New Section Added	Ch. 63	-	320
39-3512	Repealed	Ch. 63	-	320
39-3513	New Section Added	Ch. 63	-	320

39-3513	Repealed	Ch. 63 -	320
39-3516	New Section Added	Ch. 63 -	321
39-3516	Repealed	Ch. 63 -	320
39-3519	Amended	Ch. 63 -	323
39-3520	New Section Added	Ch. 63 -	324
39-3520	Repealed	Ch. 63 -	323
39-3521	Amended	Ch. 63 -	324
39-3522	Amended	Ch. 63 -	325
39-3523	New Section Added	Ch. 63 -	325
39-3523	Repealed	Ch. 63 -	325
39-3524	New Section Added	Ch. 63 -	325
39-3524	Repealed	Ch. 63 -	325
39-3525	New Section Added	Ch. 63 -	326
39-3525	Repealed	Ch. 63 -	326
39-3526	New Section Added	Ch. 63 -	326
39-3526	Repealed	Ch. 63 -	326
39-3527	Amended	Ch. 63 -	326
39-3528	New Section Added	Ch. 63 -	326
39-3528	Repealed	Ch. 63 -	326
39-3554	Repealed	Ch. 63 -	326
39-3556	New Section Added	Ch. 63 -	327
39-3556	Repealed	Ch. 63 -	327
39-4502	Amended	Ch. 16 -	148
39-4504	Referred to	Ch. 241 -	860
39-4517	New Section Added	Ch. 183 -	670
39-4802	Amended	Ch. 225 -	793
39-5303	Referred to	Ch. 63 -	317
39-8006A	Repealed	Ch. 237 -	831
Ch. 82	Referred to	Ch. 131 -	529
39-8202	Amended	Ch. 115 -	495
39-8203	Amended	Ch. 115 -	496
39-8205	Amended	Ch. 115 -	496
39-8206	Amended	Ch. 115 -	497
39-8302	Amended	Ch. 318 -	1052
39-8305	New Section Added	Ch. 318 -	1054
39-9701	Referred to	Ch. 49 -	259
39-9801	Amended	Ch. 241 -	860
39-9802	Amended	Ch. 241 -	861
39-9803	Amended	Ch. 241 -	861
TITLE 40			
40-511	Amended	Ch. 14 -	128
40-708	Amended	Ch. 259 -	899
40-709	Referred to	Ch. 329 -	1089
40-718	Amended	Ch. 237 -	
40-719	Amended	Ch. 229 -	807
Ch. 9	Referred to	Ch. 230 -	809
Ch. 14	Referred to	Ch. 329 -	1089
TITLE 41			
41-349	Amended	Ch. 247 -	873
41-350	New Section Added	Ch. 318 -	1052
41-1853	New Section Added	Ch. 53 -	267
Ch. 30	Referred to	Ch. 27 -	193
41-3002	Amended	Ch. 27 -	218
41-3002	Referred to	Ch. 27 -	192
Ch. 32	Referred to	Ch. 318 -	1052

Ch. 34	Referred to	Ch. 318 - 1052
Ch. 39	Referred to	Ch. 318 - 1052
41-4002	Referred to	Ch. 318 - 1052
Ch. 47	Referred to	Ch. 318 - 1052
Ch. 48	Referred to	Ch. 318 - 1052
Ch. 52	Referred to	Ch. 318 - 1052
41-5501	Referred to	Ch. 53 - 267
Ch. 61	Referred to	Ch. 318 - 1052
TITLE 42		
42-101	Referred to	Ch. 93 - 434
42-233c	New Section Added	Ch. 110 - 483
42-1102	Amended	Ch. 93 - 432
42-1103	Repealed	Ch. 93 - 434
42-1104	Amended	Ch. 93 - 434
42-1105	New Section Added	Ch. 93 - 434
42-1105	Repealed	Ch. 93 - 434
42-1106	Amended	Ch. 93 - 435
42-1108	Repealed	Ch. 93 - 435
42-1201	Amended	Ch. 93 - 435
42-1202	Repealed	Ch. 93 - 436
42-1203	Repealed	Ch. 93 - 436
42-1204	Repealed	Ch. 93 - 436
42-1205	Repealed	Ch. 93 - 436
42-1206	Repealed	Ch. 93 - 436
42-1207	Amended	Ch. 93 - 436
42-1209	Amended	Ch. 93 - 438
42-1401A	Referred to	Ch. 223 - 789
42-1406D	New Section Added	Ch. 223 - 789
42-1414	Referred to	Ch. 126 - 514
42-1425	Amended	Ch. 223 - 790
42-1426	Amended	Ch. 223 - 791
42-1701A	Referred to	Ch. 110 - 484
42-3102	Amended	Ch. 175 - 657
42-3103	Amended	Ch. 175 - 658
42-3115	Amended	Ch. 175 - 659
42-3116	Amended	Ch. 175 - 661
42-3902	Amended	Ch. 20 - 161
42-3903	Amended	Ch. 20 - 163
42-3905	Amended	Ch. 20 - 163
42-3908	Amended	Ch. 20 - 163
42-3911	Amended	Ch. 20 - 164
42-5232	Amended	Ch. 60 - 286
TITLE 43		
43-106	Referred to	Ch. 92 - 431
43-109	Amended	Ch. 92 - 431
43-712	Amended	Ch. 157 - 607
43-716	Amended	Ch. 157 - 608
43-717	Referred to	Ch. 157 - 608
43-718	Referred to	Ch. 157 - 608
43-724	Referred to	Ch. 157 - 609
43-1508	Amended	Ch. 157 - 609
TITLE 44		
44-2007	Amended	Ch. 154 - 601
44-2008	Amended	Ch. 154 - 601
44-2012	Repealed	Ch. 154 - 601

TITLE 45

45-108	Amended	Ch.151 -	598
45-521	Amended	Ch.150 -	597
45-522	Amended	Ch.150 -	597
Ch.7	Referred to	Ch.236 -	821
45-701	Referred to	Ch.236 -	821
45-702	Amended	Ch.236 -	819
45-702	Amended	Ch.242 -	862
45-704A	Amended	Ch.236 -	820
45-704B	Amended	Ch.236 -	820
Ch.15	Referred to	Ch.239 -	856

TITLE 46

46-1002	Referred to	Ch.230 -	809
46-1021	Amended	Ch.179 -	665
46-1022	Amended	Ch.179 -	666

TITLE 48

48-303	Amended	Ch.236 -	820
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TITLE 49

49-102	Amended	Ch.266 -	925
49-119	Amended	Ch.234 -	816
49-120	Amended	Ch.159 -	612
49-245	New Section Added	Ch.118 -	504
Ch.3	Referred to	Ch.118 -	504
49-302	Amended	Ch.33 -	232
49-303	Amended	Ch.33 -	233
49-303	Amended	Ch.40 -	244
49-306	Amended	Ch.13 -	116
49-307	Amended	Ch.33 -	229
49-308	Referred to	Ch.291 -	992
49-319	Amended	Ch.13 -	123
49-322	Amended	Ch.13 -	126
49-335	Amended	Ch.147 -	589
49-402	Amended	Ch.187 -	675
49-402C	Referred to	Ch.187 -	679
49-402D	Amended	Ch.187 -	677
49-403A	Amended	Ch.83 -	379
49-415D	Amended	Ch.266 -	927
49-420S	New Section Added	Ch.187 -	678
49-523	Amended	Ch.41 -	245
49-937	Amended	Ch.36 -	238
49-1001	Amended	Ch.287 -	980
49-1002	Amended	Ch.287 -	981
49-1401	Referred to	Ch.90 -	429
49-1422	Amended	Ch.190 -	686
49-1601A	New Section Added	Ch.213 -	750
49-1613	Amended	Ch.213 -	751
49-1617	Referred to	Ch.213 -	757
49-1632	Amended	Ch.213 -	758
Ch.17	Referred to	Ch.244 -	868
49-2442	Referred to	Ch.118 -	504
49-2443	Referred to	Ch.118 -	504
49-2444	Amended	Ch.31 -	224
49-2447	Amended	Ch.13 -	127

TITLE 50

50-222	New Section Added	Ch.321 -	1060
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50-222	Referred to	Ch.227 -	797
50-222	Repealed	Ch.321 -	1059
50-405	Amended	Ch.300 -	1009
50-1044	Referred to	Ch.284 -	971
Ch.13	Referred to	Ch.227 -	799
50-1301	Amended	Ch. 62 -	307
50-1306A	Amended	Ch.100 -	445
50-1507	Referred to	Ch. 26 -	180
50-1508	Referred to	Ch. 26 -	180
50-1524	Referred to	Ch. 26 -	180
TITLE 54			
Title 54	Referred to	Ch.183 -	670
Ch.1	New Chapter Added	Ch. 61 -	289
54-101	New Section Added	Ch. 61 -	289
54-102	New Section Added	Ch. 61 -	289
54-103	New Section Added	Ch. 61 -	290
54-211	Amended	Ch. 86 -	388
54-303	Amended	Ch. 35 -	236
54-305	Amended	Ch. 35 -	237
54-312	Amended	Ch. 86 -	390
54-416	Amended	Ch. 86 -	390
54-607	Amended	Ch. 86 -	390
54-708	Amended	Ch. 86 -	391
54-716	Amended	Ch. 69 -	357
54-920	Amended	Ch. 86 -	392
54-1001B	Amended	Ch. 54 -	268
54-1007	Amended	Ch. 16 -	148
54-1008	Amended	Ch. 86 -	394
54-1010	Amended	Ch.180 -	667
54-1115A	Amended	Ch. 86 -	395
54-1142	Amended	Ch.117 -	501
54-1144	Referred to	Ch.117 -	503
54-1216	Amended	Ch. 86 -	395
Ch.14	Referred to	Ch. 59 -	284
54-1401	Amended	Ch.101 -	447
54-1403	Amended	Ch. 59 -	278
54-1404	Referred to	Ch. 59 -	280
54-1608	Amended	Ch. 86 -	396
54-1704	Redesignated from 54-1705	Ch. 69 -	340
54-1705	Amended and Redesignated 54-1704	Ch. 69 -	340
54-1705	New Section Added	Ch. 69 -	346
54-1705A	New Section Added	Ch. 69 -	346
54-1707	Amended	Ch. 69 -	346
54-1710	Amended	Ch. 69 -	347
54-1711	Repealed	Ch. 69 -	347
54-1712	Repealed	Ch. 69 -	347
54-1713	Amended	Ch. 69 -	347
54-1715	Repealed	Ch. 69 -	347
54-1718	Amended	Ch. 69 -	347
54-1718	Amended	Ch.101 -	447
54-1721	Amended	Ch. 69 -	348
54-1722	New Section Added	Ch. 69 -	349
54-1722	Repealed	Ch. 69 -	349
54-1723	Amended	Ch. 69 -	349
54-1723A	Amended	Ch. 86 -	396

54-1729	Amended	Ch. 86 -	397
54-1729A	Amended	Ch.101 -	448
54-1732	Amended	Ch. 69 -	350
54-1733	Amended	Ch. 69 -	352
54-1733A	Amended and Redesignated 54-1734	Ch. 69 -	353
54-1733B	Repealed	Ch. 69 -	353
54-1733D	Repealed	Ch. 69 -	353
54-1734	Redesignated from 54-1733A	Ch. 69 -	353
54-1735	New Section Added	Ch. 69 -	353
54-1762A	Amended	Ch. 69 -	354
Ch.18	Referred to	Ch. 59 -	282
Ch.18	Referred to	Ch. 59 -	285
Ch.18	Referred to	Ch. 61 -	289
54-1803	Amended	Ch.216 -	767
54-1806	Amended	Ch. 67 -	333
54-1807A	Amended	Ch. 86 -	398
54-1807A	Amended	Ch.101 -	449
54-1810	Amended	Ch.101 -	451
54-1810	Amended	Ch.216 -	768
54-1810A	Amended	Ch.101 -	451
54-1811	Amended	Ch.101 -	452
54-1812	New Section Added	Ch.216 -	769
54-1812	Repealed	Ch.216 -	769
54-1813	Amended	Ch.216 -	770
54-1842	Referred to	Ch.216 -	770
54-1845	Referred to	Ch.216 -	770
54-1903	Amended	Ch. 58 -	275
54-1904	Amended	Ch. 58 -	275
54-1912	Amended	Ch. 86 -	399
54-2012	Amended	Ch.101 -	452
54-2018	Amended	Ch. 86 -	400
54-2035	Amended	Ch. 86 -	403
54-2108	Amended	Ch.101 -	455
54-2112	Amended	Ch. 86 -	403
54-2215	Amended	Ch. 86 -	404
54-2315	Amended	Ch. 86 -	404
54-2318	Amended	Ch. 86 -	404
54-2411	Amended	Ch. 86 -	405
54-2601	Amended	Ch. 54 -	269
54-2616	Amended	Ch. 86 -	405
54-2617	Amended	Ch. 54 -	270
54-2619	Amended	Ch. 54 -	271
54-2620	Amended	Ch. 54 -	271
54-2816	Amended	Ch. 86 -	405
54-2912	Amended	Ch.101 -	456
54-2913	Amended	Ch.101 -	456
54-2921	Amended	Ch. 86 -	406
54-2922	Amended	Ch. 86 -	406
54-3003	Amended	Ch. 86 -	406
54-3108	Amended	Ch. 86 -	409
54-3110	Amended	Ch. 86 -	410
54-3209	Amended	Ch. 86 -	410
54-3312	Amended	Ch. 86 -	410
54-3316	Amended	Ch. 86 -	411
54-3405	Amended	Ch.101 -	457

54-3405A	Amended	Ch.101	-	458
54-3405B	Amended	Ch.101	-	458
54-3405C	Amended	Ch.101	-	458
54-3407	Referred to	Ch.152	-	600
54-3411	Amended	Ch. 86	-	411
54-3416	New Section Added	Ch.152	-	599
Ch.35	Referred to	Ch. 61	-	289
54-3502	Amended	Ch. 61	-	290
54-3504	Repealed	Ch. 61	-	291
54-3505	New Section Added	Ch. 61	-	292
54-3505	Repealed	Ch. 61	-	291
54-3506	Amended	Ch. 61	-	292
54-3508	Amended	Ch. 61	-	292
54-3509	Amended	Ch. 61	-	292
54-3509	Amended	Ch. 86	-	411
54-3510	Amended	Ch. 61	-	293
54-3510A	Amended	Ch. 61	-	294
54-3711	Amended	Ch. 86	-	412
Ch.39	Referred to	Ch. 61	-	289
54-3902	Amended	Ch. 61	-	294
54-3903	Amended	Ch. 61	-	295
54-3906	Amended	Ch. 61	-	295
54-3907	Amended	Ch. 61	-	296
54-3908	Amended	Ch. 61	-	296
54-3909	Amended	Ch. 61	-	296
54-3910	Amended	Ch. 61	-	297
54-3910	Amended	Ch. 86	-	412
54-3911	Amended	Ch. 61	-	298
54-3912	Repealed	Ch. 61	-	299
54-3913	Repealed	Ch. 61	-	299
54-3914	Repealed	Ch. 61	-	299
54-3915	New Section Added	Ch. 61	-	299
54-3915	Repealed	Ch. 61	-	299
54-4008	Amended	Ch. 86	-	413
54-4106	Amended	Ch.101	-	459
54-4114	Amended	Ch. 86	-	413
54-4126	Amended	Ch.101	-	460
54-4132	Amended	Ch.101	-	461
Ch.42	Referred to	Ch. 63	-	316
54-4205	Amended	Ch. 86	-	414
Ch.43	Referred to	Ch. 61	-	289
54-4303	Amended	Ch. 61	-	299
54-4304	Repealed	Ch. 61	-	301
54-4305	New Section Added	Ch. 61	-	301
54-4305	Repealed	Ch. 61	-	301
54-4308	Amended	Ch. 61	-	301
54-4310	Amended	Ch. 61	-	301
54-4310	Amended	Ch. 86	-	414
54-4702	Amended	Ch. 69	-	358
54-4708	Amended	Ch. 86	-	415
54-4710	Amended	Ch. 86	-	415
54-5012	Amended	Ch. 86	-	416
54-5013	Amended	Ch. 86	-	416
Ch.51	Referred to	Ch. 61	-	289
54-5101	Amended	Ch. 61	-	302

54-5102	Amended	Ch. 61	-	302
54-5103	Amended	Ch. 61	-	303
54-5104	Repealed	Ch. 61	-	303
54-5105	New Section Added	Ch. 61	-	304
54-5105	Repealed	Ch. 61	-	303
54-5106	Amended	Ch. 61	-	304
54-5106	Amended	Ch. 101	-	461
54-5107	Amended	Ch. 61	-	304
54-5108	Amended	Ch. 61	-	305
54-5108	Amended	Ch. 86	-	416
54-5109	Amended	Ch. 61	-	305
54-5110	Amended	Ch. 61	-	306
54-5211	Amended	Ch. 86	-	417
54-5308	Amended	Ch. 86	-	417
54-5313	Amended	Ch. 86	-	418
Ch. 54	Referred to	Ch. 266	-	926
54-5404	Amended	Ch. 86	-	419
54-5405	Amended	Ch. 86	-	419
54-5405	Amended	Ch. 101	-	462
54-5406	Amended	Ch. 101	-	462
Ch. 55	New Chapter Added	Ch. 59	-	279
54-5501	New Section Added	Ch. 59	-	279
54-5502	New Section Added	Ch. 59	-	279
54-5503	New Section Added	Ch. 59	-	280
54-5504	New Section Added	Ch. 59	-	280
54-5505	New Section Added	Ch. 59	-	283
54-5506	New Section Added	Ch. 59	-	284
54-5507	New Section Added	Ch. 59	-	284
54-5508	New Section Added	Ch. 59	-	284
54-5509	New Section Added	Ch. 59	-	284
54-5510	New Section Added	Ch. 59	-	285
54-5510	Referred to	Ch. 59	-	282
54-5511	New Section Added	Ch. 59	-	286
54-5512	New Section Added	Ch. 59	-	286
54-5612	Amended	Ch. 86	-	420
54-5613	Amended	Ch. 86	-	420
54-5802	Amended	Ch. 155	-	602
54-5805	Amended	Ch. 155	-	605
54-5821	Amended	Ch. 86	-	421
54-5905	Amended	Ch. 240	-	858
54-5909	Amended	Ch. 86	-	421
TITLE 55				
55-103	Amended	Ch. 24	-	177
55-307	Amended	Ch. 257	-	896
55-1902	Amended	Ch. 62	-	308
55-2006	Amended	Ch. 257	-	897
55-2013A	Amended	Ch. 127	-	515
55-2301	Amended	Ch. 244	-	866
55-2304	Amended	Ch. 244	-	867
55-2306	Amended	Ch. 244	-	867
55-2308	Amended	Ch. 244	-	869
55-2309	Amended	Ch. 244	-	869
Ch. 31	Referred to	Ch. 162	-	618
55-3203	Amended	Ch. 162	-	618
55-3203	Amended	Ch. 214	-	759

55-3204	Amended	Ch.214 -	760
55-3205	Amended	Ch.162 -	618
55-3213	New Section Added	Ch.191 -	687
TITLE 56			
56-203	Referred to	Ch.221 -	777
56-226	Amended	Ch.228 -	803
56-227A	Amended	Ch.228 -	805
56-227C	Amended	Ch.228 -	806
56-238	Referred to	Ch.318 -	1052
56-239	Referred to	Ch.318 -	1052
56-257	Referred to	Ch. 8 -	58
56-263	Amended	Ch.170 -	652
56-263	Referred to	Ch.318 -	1052
56-270	New Section Added	Ch.149 -	596
56-270	New Section Added	Ch.186 -	674
56-270	New Section Added	Ch.204 -	722
56-270	New Section Added	Ch.209 -	746
56-270	New Section Added	Ch.288 -	982
56-1404	Referred to	Ch.170 -	652
Ch.19	New Chapter Added	Ch.188 -	681
Ch.19	New Chapter Added	Ch.224 -	792
Ch.19	New Chapter Added	Ch.264 -	918
56-1901	New Section Added	Ch.188 -	681
56-1901	New Section Added	Ch.224 -	792
56-1901	New Section Added	Ch.264 -	918
56-1902	New Section Added	Ch.188 -	681
56-1902	New Section Added	Ch.224 -	793
56-1902	New Section Added	Ch.264 -	918
56-1903	New Section Added	Ch.188 -	682
56-1903	New Section Added	Ch.264 -	918
56-1904	New Section Added	Ch.188 -	682
56-1904	New Section Added	Ch.264 -	919
56-1904	Referred to	Ch.264 -	922
56-1905	New Section Added	Ch.188 -	683
56-1905	New Section Added	Ch.264 -	920
56-1905	Referred to	Ch.264 -	922
56-1906	New Section Added	Ch.188 -	683
56-1906	New Section Added	Ch.264 -	922
56-1907	New Section Added	Ch.188 -	684
56-1907	New Section Added	Ch.264 -	922
56-1908	New Section Added	Ch.188 -	684
TITLE 57			
57-810	Amended	Ch.237 -	831
57-811	Amended	Ch.237 -	834
57-811	Referred to	Ch.270 -	940
57-814	Referred to	Ch.281 -	963
57-827	Referred to	Ch.160 -	615
57-827	Referred to	Ch.217 -	771
57-827	Referred to	Ch.270 -	940
57-828	New Section Added	Ch.270 -	940
57-1109	Amended	Ch. 27 -	219
57-1204	Referred to	Ch. 47 -	255
57-1205	Referred to	Ch. 47 -	255
TITLE 58			
58-120	New Section Added	Ch.210 -	747

58-120	Repealed	Ch.210 -	747
58-303	New Section Added	Ch. 38 -	240
58-307	Amended	Ch.102 -	466
58-407	Amended	Ch. 89 -	428
58-1312	Amended	Ch.121 -	507
Ch.15	New Chapter Added	Ch. 47 -	254
58-1501	New Section Added	Ch. 47 -	254
58-1502	New Section Added	Ch. 47 -	254
58-1503	New Section Added	Ch. 47 -	255
58-1504	New Section Added	Ch. 47 -	255
58-1505	New Section Added	Ch. 47 -	255
58-1506	New Section Added	Ch. 47 -	256
58-1507	New Section Added	Ch. 47 -	256
58-1508	New Section Added	Ch. 47 -	256
TITLE 59			
59-502	Amended	Ch.325 -	1078
59-514	Amended	Ch.173 -	656
Ch.13	Referred to	Ch.160 -	615
Ch.13	Referred to	Ch.217 -	771
59-1301	Referred to	Ch. 26 -	180
59-1302	Amended	Ch.167 -	635
59-1302	Referred to	Ch. 9 -	65
59-1302	Referred to	Ch. 18 -	158
59-1302	Referred to	Ch.161 -	617
59-1303	Amended	Ch. 87 -	425
59-1308	Amended	Ch. 19 -	159
59-1311	Referred to	Ch. 10 -	101
59-1314	Referred to	Ch. 26 -	180
59-1316	Amended	Ch. 26 -	179
59-1352	Amended	Ch. 34 -	235
59-1363	Amended	Ch. 18 -	158
59-1383	Referred to	Ch. 26 -	180
59-1392	Referred to	Ch. 26 -	180
59-1605	Amended	Ch.217 -	771
59-1606	Amended	Ch.160 -	614
TITLE 61			
61-121	Referred to	Ch.105 -	473
61-215	Amended	Ch.245 -	870
61-301A	New Section Added	Ch.272 -	944
61-313A	New Section Added	Ch. 45 -	252
TITLE 62			
62-603	Referred to	Ch.105 -	473
TITLE 63			
63-102	Amended	Ch.245 -	870
63-201	Referred to	Ch. 9 -	75
63-301A	Amended	Ch.168 -	647
63-602A	Referred to	Ch. 9 -	65
63-602G	Amended	Ch.168 -	642
63-602G	Referred to	Ch.168 -	648
63-604	Referred to	Ch.215 -	762
63-724	Amended	Ch.237 -	831
63-1701	Referred to	Ch.215 -	762
63-2412	Referred to	Ch. 7 -	47
63-2506	Referred to	Ch.205 -	728
63-2520	Amended	Ch.237 -	836

63-2552A	Referred to	Ch.205 -	728
63-3004	Amended	Ch. 1 -	3
63-3022S	Amended	Ch. 2 -	3
63-3024	Amended	Ch.237 -	824
63-3025	Amended	Ch.237 -	825
63-3042A	Amended	Ch. 30 -	224
63-3045	Amended	Ch.116 -	499
63-3067	Referred to	Ch.205 -	728
63-3077	Amended	Ch.168 -	646
63-3077E	Amended	Ch. 27 -	220
63-3622D	Amended	Ch.297 -	1004
63-3622N	Amended	Ch. 69 -	358
63-3622O	Referred to	Ch. 9 -	65
63-3632	Amended	Ch.116 -	501
63-3638	Amended	Ch.237 -	831
63-3042 thru 63-3065A	Referred to	Ch. 27 -	212
TITLE 65			
65-107	Referred to	Ch. 27 -	208
65-109	New Section Added	Ch.141 -	546
65-502	Amended	Ch.266 -	928
TITLE 66			
66-317	Referred to	Ch.264 -	918
66-326	Referred to	Ch.264 -	922
66-329	Referred to	Ch.264 -	922
66-503	Amended	Ch. 27 -	220
66-906	Amended	Ch.185 -	673
TITLE 67			
67-702	Referred to	Ch. 6 -	33
67-702	Referred to	Ch. 7 -	47
67-702	Referred to	Ch. 10 -	101
67-702	Referred to	Ch. 12 -	115
67-702	Referred to	Ch.329 -	1089
67-1022	Amended	Ch. 46 -	253
67-1085	Amended	Ch. 44 -	251
67-1205	Referred to	Ch. 27 -	208
67-1210	Referred to	Ch.187 -	679
67-1210	Referred to	Ch.270 -	940
67-1210C	New Section Added	Ch.198 -	704
67-1401	Amended	Ch.194 -	697
67-1406	Amended	Ch.210 -	747
67-1410	Amended	Ch.194 -	699
67-1806	Referred to	Ch.204 -	722
67-1808	Referred to	Ch.193 -	692
67-1917	Referred to	Ch.319 -	1057
67-2024A	Referred to	Ch. 27 -	204
67-2320	Referred to	Ch.189 -	684
67-2347A	New Section Added	Ch.238 -	849
67-2360	New Section Added	Ch. 37 -	239
67-2360	New Section Added	Ch.301 -	1010
67-2402	Referred to	Ch.301 -	1010
67-2601	Amended	Ch.164 -	629
	(as amended by Sec. 2, Ch. 182, Laws of 2023 and as amended by Sec. 33, Ch. 220, Laws of 2023)		
67-2601	Amended	Ch.188 -	680
	(as amended by Sec. 2, Ch. 182, Laws of 2023 and as		

	amended by Sec. 33, Ch. 220, Laws of 2023)		
67-2601	Referred to	Ch.301	- 1010
67-2604	Amended	Ch.101	- 463
67-2614	Amended	Ch. 86	- 386
67-2614	Referred to	Ch. 59	- 283
67-2810	New Section Added	Ch.173	- 656
67-3008	Referred to	Ch.101	- 465
67-3014	Amended	Ch.147	- 592
67-3502	Amended	Ch.132	- 530
67-3511	Referred to	Ch. 3	- 13
67-3511	Referred to	Ch. 5	- 19
67-3511	Referred to	Ch. 8	- 57
67-3511	Referred to	Ch. 11	- 103
67-3511	Referred to	Ch. 12	- 113
67-3511	Referred to	Ch.103	- 470
67-3511	Referred to	Ch.129	- 519
67-3511	Referred to	Ch.137	- 538
67-3511	Referred to	Ch.158	- 611
67-3512	Referred to	Ch.319	- 1057
67-3514	Referred to	Ch.243	- 865
67-3516	Referred to	Ch. 12	- 114
67-3519	Referred to	Ch. 6	- 30
67-3519	Referred to	Ch. 7	- 45
67-3519	Referred to	Ch. 8	- 57
67-3519	Referred to	Ch. 10	- 100
67-3519	Referred to	Ch. 12	- 113
67-3519	Referred to	Ch.296	- 1003
67-3519	Referred to	Ch.316	- 1048
67-3531	Referred to	Ch.124	- 511
Ch.38	New Chapter Added	Ch.239	- 850
67-3801	New Section Added	Ch.239	- 851
67-3802	New Section Added	Ch.239	- 851
67-3803	New Section Added	Ch.239	- 851
67-3804	New Section Added	Ch.239	- 852
67-3805	New Section Added	Ch.239	- 853
67-3806	New Section Added	Ch.239	- 854
67-3807	New Section Added	Ch.239	- 854
67-3808	New Section Added	Ch.239	- 855
67-3809	New Section Added	Ch.239	- 856
67-3810	New Section Added	Ch.239	- 856
67-3811	New Section Added	Ch.239	- 857
67-3812	New Section Added	Ch.239	- 857
67-3813	New Section Added	Ch.239	- 857
67-3814	New Section Added	Ch.239	- 858
67-3815	New Section Added	Ch.239	- 858
67-4005	Amended	Ch.267	- 930
67-4725	Repealed	Ch.120	- 506
67-4726	Repealed	Ch.120	- 506
67-4729	Repealed	Ch.120	- 506
67-4730	Repealed	Ch.120	- 506
67-4731	Repealed	Ch.120	- 506
67-4930	Amended	Ch.165	- 630
Ch.52	Referred to	Ch. 9	- 78
Ch.52	Referred to	Ch. 27	- 186
Ch.52	Referred to	Ch. 59	- 280

Ch. 52	Referred to	Ch. 61 - 290
Ch. 52	Referred to	Ch. 321 - 1062
67-5201	Referred to	Ch. 189 - 684
67-5201	Referred to	Ch. 235 - 818
67-5206	Amended	Ch. 169 - 650
67-5207A	Referred to	Ch. 9 - 80
67-5224	Amended	Ch. 308 - 1032
67-5226	Amended	Ch. 220 - 775
67-5229	Amended	Ch. 220 - 775
67-5240	Amended	Ch. 169 - 651
67-5241	Referred to	Ch. 27 - 210
67-5242	Referred to	Ch. 9 - 78
67-5243	Referred to	Ch. 27 - 207
67-5243	Referred to	Ch. 27 - 209
67-5244	Referred to	Ch. 27 - 209
67-5246	Referred to	Ch. 27 - 209
67-5247	Referred to	Ch. 63 - 325
67-5254	Referred to	Ch. 63 - 326
67-5270	Referred to	Ch. 27 - 209
67-5270	Referred to	Ch. 101 - 465
67-5279	Amended	Ch. 235 - 818
67-5279	Referred to	Ch. 321 - 1062
67-5280	Amended	Ch. 169 - 651
67-5291	Amended	Ch. 308 - 1033
67-5291	Referred to	Ch. 220 - 776
67-5292	Amended	Ch. 220 - 776
Ch. 53	Referred to	Ch. 26 - 180
Ch. 53	Referred to	Ch. 218 - 772
67-5303	Amended	Ch. 270 - 941
67-5303	Referred to	Ch. 161 - 616
67-5309	Amended	Ch. 106 - 474
67-5333	Referred to	Ch. 217 - 771
67-5334	Referred to	Ch. 160 - 615
67-5711A	Referred to	Ch. 189 - 684
67-5711C	Referred to	Ch. 189 - 684
67-5711E	New Section Added	Ch. 189 - 684
67-5722	Referred to	Ch. 27 - 204
67-5732A	Referred to	Ch. 27 - 204
67-5771A	Amended	Ch. 237 -
67-5779	New Section Added	Ch. 230 - 809
67-5909B	New Section Added	Ch. 112 - 485
67-5909B	New Section Added	Ch. 314 - 1044
67-6409	Amended	Ch. 237 - 832
Ch. 65	Referred to	Ch. 321 - 1061
67-6508	Referred to	Ch. 215 - 765
67-6509	Amended	Ch. 227 - 795
67-6509	Referred to	Ch. 215 - 764
67-6525	Referred to	Ch. 321 - 1061
67-6526	Amended	Ch. 227 - 796
67-6529	Referred to	Ch. 215 - 765
67-6602	Amended	Ch. 278 - 953
67-6628A	New Section Added	Ch. 172 - 654
67-7008A	Referred to	Ch. 122 - 509
67-7434	Amended	Ch. 237 - 832
Ch. 80	Referred to	Ch. 38 - 240

Ch. 90	Repealed	Ch. 202	-	720
67-9001	Repealed	Ch. 202	-	720
67-9002	Amended	Ch. 202	-	717
67-9002	Repealed	Ch. 202	-	720
67-9003	Repealed	Ch. 202	-	720
67-9004	Amended	Ch. 202	-	718
67-9004	Repealed	Ch. 202	-	720
67-9005	Amended	Ch. 202	-	718
67-9005	Repealed	Ch. 202	-	720
67-9006	Amended	Ch. 202	-	719
67-9006	Repealed	Ch. 202	-	720
67-9007	Amended	Ch. 202	-	720
67-9007	Repealed	Ch. 202	-	720
67-9008	Repealed	Ch. 202	-	720
67-9009	Repealed	Ch. 202	-	720
67-9010	Repealed	Ch. 202	-	720
Ch. 92	Referred to	Ch. 12	-	115
Ch. 92	Referred to	Ch. 205	-	731
Ch. 92	Referred to	Ch. 230	-	809
67-9203	Amended	Ch. 230	-	810
67-9229	Amended	Ch. 207	-	739
67-9232	Amended	Ch. 207	-	739
67-9234	Amended and Redesignated 67-9235	Ch. 230	-	812
67-9234	New Section Added	Ch. 230	-	811
67-9235	Redesignated from 67-9234	Ch. 230	-	812
67-9403	Amended	Ch. 266	-	929
67-9411	Referred to	Ch. 101	-	465
67-9411A	New Section Added	Ch. 101	-	465
67-9415	New Section Added	Ch. 298	-	1006
67-9416	New Section Added	Ch. 265	-	924
Ch. 97	New Chapter Added	Ch. 215	-	761
67-9701	New Section Added	Ch. 215	-	762
67-9702	New Section Added	Ch. 215	-	762
67-9703	New Section Added	Ch. 215	-	762
67-9704	New Section Added	Ch. 215	-	763
67-9705	New Section Added	Ch. 215	-	763
67-9706	New Section Added	Ch. 215	-	764
67-9707	New Section Added	Ch. 215	-	764
67-9708	New Section Added	Ch. 215	-	764
67-9709	New Section Added	Ch. 215	-	765
67-9710	New Section Added	Ch. 215	-	765
67-9711	New Section Added	Ch. 215	-	766
67-9712	New Section Added	Ch. 215	-	766
TITLE 72				
72-503	Amended	Ch. 245	-	871
72-1009	Referred to	Ch. 147	-	573
72-1204	Amended	Ch. 290	-	984
72-1205	Amended	Ch. 290	-	986
72-1205	Referred to	Ch. 82	-	377
72-1206	Amended	Ch. 290	-	987
72-1350	Amended	Ch. 15	-	129
72-1366	Amended	Ch. 200	-	709
72-1405	Referred to	Ch. 26	-	180
Ch. 15	Referred to	Ch. 140	-	545

TITLE 73			
73-114	Amended	Ch.322 -	1063
TITLE 74			
Ch.1	Referred to	Ch. 9 -	65
Ch.1	Referred to	Ch. 27 -	214
Ch.1	Referred to	Ch.188 -	684
Ch.1	Referred to	Ch.207 -	740
74-101	Referred to	Ch.247 -	879
74-103	Amended	Ch.107 -	477
74-103	Referred to	Ch.207 -	740
74-104	Amended	Ch. 16 -	150
74-105	Amended	Ch.269 -	933
	(as amended by Sec. 2, Ch. 108, Laws of 2023; Sec. 30, Ch. 218, Laws of 2023; Sec. 39, Ch. 220, Laws of 2023)		
74-105	Referred to	Ch. 63 -	327
74-106	Amended	Ch. 16 -	151
74-106	Referred to	Ch. 27 -	206
74-108	Amended	Ch. 25 -	178
Ch.2	Referred to	Ch. 9 -	65
Ch.2	Referred to	Ch. 69 -	347
74-206	Referred to	Ch.133 -	531
Ch.4	Referred to	Ch. 9 -	65
74-405	Referred to	Ch. 9 -	65
74-405	Referred to	Ch. 9 -	89
74-407	Amended	Ch. 46 -	253
Ch.5	Referred to	Ch. 9 -	65
74-604	Amended	Ch.268 -	931
74-605	Amended	Ch.268 -	931

IDAHO CONSTITUTION

Art.I, Sec.1	Referred to	Ch. 38 -	240
Art.I, Sec.13	Referred to	Ch.270 -	937
Art.I, Sec.14	Referred to	Ch.215 -	766
Art.I, Sec.14	Referred to	Ch. 38 -	240
Art.I, Sec.21	Referred to	Ch. 38 -	240
Art.IV, Sec.7	Referred to	Ch.164 -	624
Art.VI, Sec.2	Amendment Proposed	HJR 5 -	1092
Art.IX, Sec.4	Referred to	Ch. 27 -	205
Art.IX, Sec.8	Referred to	Ch. 38 -	240
Art.X, Sec.5	Referred to	Ch.164 -	624
Art.XI, Sec.8	Referred to	Ch.215 -	766

LAWS OF 2018

Ch.32, Sec.3	Amended	Ch. 75 -	366
Ch.340, Sec.6	Referred to	Ch. 8 -	59

LAWS OF 2019

Ch.242, Sec.2	Referred to	Ch.306 -	1030
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LAWS OF 2021

Ch.75, Sec.2	Referred to	Ch.306 -	1030
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LAWS OF 2022

Ch.256, Sec.2 Referred to Ch.306 - 1030

LAWS OF 2023

Ch.163, Sec.1 Referred to Ch.145 - 554

Ch.255, Sec.1 Referred to Ch.311 - 1037

Ch.312, Sec.1 Referred to Ch.328 - 1083

RULES

Department of Administration

IDAPA 38.05.01

Section 011.

Subsection 05. Rejected HCR 29 - 1114

Subsection 14. Rejected HCR 29 - 1114

Subsection 17. Rejected HCR 29 - 1114

Subsection 18. Rejected HCR 29 - 1114

Section 051.

Subsection 02. Rejected HCR 29 - 1114

Subsection 04. Rejected HCR 29 - 1114

Section 070. Rejected HCR 29 - 1114

Section 084.

Subsection 01.a. Rejected HCR 29 - 1114

Section 094. Rejected HCR 29 - 1114

Department of Health and Welfare

IDAPA 16.06.01 Rejected HCR 39 - 1119

IDAPA 16.06.02

Section 010.

Subsection 08. Rejected HCR 39 - 1119

Section 402.

Subsection 02. Rejected HCR 39 - 1119

Department of Insurance

IDAPA 18.04.04

Section 011.

Subsection 03. Rejected HCR 48 - 1125

Department of Juvenile Corrections

IDAPA 05.02.01 Rejected HCR 43 - 1122

Department of Parks and Recreation

IDAPA 26.01.20

Section 225.

Subsection 07. Rejected SCR126 - 1108

Section 245. Rejected SCR126 - 1108

Section 247. Rejected SCR126 - 1108

Section 250. Rejected SCR126 - 1108

Section 254. Rejected SCR126 - 1108

Section 256. Rejected SCR126 - 1108

Section 276. Rejected SCR126 - 1108

Division of Occupational and Professional Licenses

IDAPA 24.14.01

Section 450.

Subsection 02.a. Rejected HCR 39 - 1119

IDAPA 24.39.50

Section 100.

Subsection 03.d. Rejected	HCR 48 - 1125
Idaho Department of Lands	
IDAPA 20.03.01	
Section 051.	
Subsection 01. Rejected	HCR 49 - 1126
Idaho State Board of Tax Appeals	
IDAPA 36.01.01	
Section 020. Rejected	HCR 47 - 1123
Section 021. Rejected	HCR 47 - 1123
Section 036. Rejected	HCR 47 - 1123
Idaho State Liquor Division	
IDAPA 15.10.01	
Section 021.	
Subsection 09. Rejected	HCR 52 - 1128
Idaho State Police	
IDAPA 11.13.01	
Section 019.	
Subsection 01.b. Rejected	SCR120 - 1104
Industrial Commission	
IDAPA 17.10.01	
Section 011.	
Subsection 07. Rejected	SCR129 - 1109
Section 013.	
Subsection 02. Rejected	SCR129 - 1109

MISCELLANEOUS

Alden v. Maine	Referred to	Ch.113 - 487
12 CFR 702	Referred to	Ch.130 - 521
34 CFR 300.28	Referred to	Ch. 9 - 64
38 CFR 17	Referred to	Ch. 63 - 313
42 CFR 438	Referred to	Ch.170 - 652
47 CFR 20.3	Referred to	Ch. 27 - 183
303 Creative LLC v. Elenis	Referred to	Ch.314 - 1044
Herndon v. City of Sandpoint	Referred to	Ch.206 - 738
Idaho Appellate Rules 5, 13, 43	Referred to	Ch.113 - 492
Idaho Rule of Civil Procedure 77	Referred to	Ch.113 - 491
Idaho Rules of Civil Procedure 17	Referred to	Ch.327 - 1082
Infrastructure Investment and Jobs Act of 2021	Referred to	Ch. 49 - 259
Internal Revenue Code	Referred to	Ch. 19 - 160
Leavitt v. Jane L.	Referred to	Ch.113 - 487
P.L. 92-544	Referred to	Ch.101 - 465
Seminole Tribe of Florida v. Florida	Referred to	Ch.113 - 487
Taylor Grazing Act	Referred to	Ch. 47 - 256
Tucker v. Public Defense Commission	Referred to	Ch.311 - 1037
Wasden v. State Board of Land Commissioners	Referred to	Ch. 38 - 240

UNITED STATES CONSTITUTION

Article I	Referred to	Ch.113 -	487
Fourteenth Amendment	Referred to	Ch.113 -	487
Sixth Amendment	Referred to	Ch.270 -	937

FEDERAL LAWS

Internal Revenue Code	Referred to	Ch. 27 -	185
12 U.S.C. 1813	Referred to	Ch.130 -	527
12 U.S.C. 1841	Referred to	Ch.130 -	527
12 U.S.C. 2501 - 2503	Referred to	Ch. 27 -	195
15 U.S.C. 7001	Referred to	Ch. 27 -	216
15 U.S.C. 7003	Referred to	Ch. 27 -	216
16 U.S.C. 2113a	Referred to	Ch. 89 -	428
16 U.S.C. 2113a	Referred to	Ch.243 -	864
38 U.S.C. 4301 - 4313	Referred to	Ch. 50 -	259
38 U.S.C. 4316 - 4319	Referred to	Ch. 50 -	259
42 U.S.C. 10801	Referred to	Ch. 63 -	322
42 U.S.C. 15043	Referred to	Ch. 63 -	322
43 U.S.C. 666	Referred to	Ch.223 -	789
47 U.S.C. 153	Referred to	Ch.105 -	473
47 U.S.C. 230	Referred to	Ch.105 -	473
47 U.S.C. 230	Referred to	Ch.113 -	489
47 U.S.C. 315	Referred to	Ch.172 -	655

ACTS

American Rescue Plan Act	Referred to	Ch.329 -	1088
American Rescue Plan Act of 2021	Referred to	Ch.186 -	674
Electronic Signatures in Global and National Commerce Act	Referred to	Ch. 27 -	216
Idaho Consumer Protection Act	Referred to	Ch.113 -	487
Infrastructure Investment and Jobs Act	Referred to	Ch.289 -	984
Investment Company Act of 1940	Referred to	Ch. 27 -	183
Social Security Act	Referred to	Ch.186 -	674
Social Security Act	Referred to	Ch.264 -	923
Social Security Act	Referred to	Ch.288 -	982

NUMERICAL LIST OF SENATE BILLS

that became law with a brief synopsis and the
chapter number of each bill

		Chapter	- Page
S 1216	Driver's licenses, revoke, cancel	Ch. 40	- 244
S 1226	Space force	Ch.266	- 925
S 1232aa	Child protection, parental rights	Ch. 64	- 328
S 1234	Contraception, six months	Ch. 53	- 267
S 1235	Library board elections, terms	Ch.199	- 706
S 1243	Grazing rights, state land	Ch. 38	- 239
S 1244	Electioneering at polls prohibited	Ch.195	- 700
S 1246	State board of ed, retirement	Ch.161	- 616
S 1247aa	Crisis response holds	Ch.264	- 917
S 1251	Political committees, definition	Ch.278	- 953
S 1260	City elections, population req	Ch.300	- 1009
S 1262	Harassment, telecommunications	Ch.253	- 892
S 1263	Liens, deeds of trust	Ch.151	- 598
S 1266	Approp, pub safety, 2025 maint	Ch. 3	- 4
S 1267	Approp, const officers, 2025 maint	Ch. 5	- 16
S 1268	Approp, HHS, 2025 maint	Ch. 8	- 48
S 1269	Approp, nat resources, 2025 maint	Ch. 6	- 21
S 1270	Approp, econ dev, 2025 maint	Ch. 7	- 34
S 1271	Global mission grant prgm, repeal	Ch.120	- 506
S 1272	Safe haven act, newborns	Ch.115	- 495
S 1274	Diversity statements, prohibition	Ch.112	- 485
S 1275	Immunity, employer, firearms	Ch.174	- 657
S 1276	Courts, electronic payment fees	Ch.251	- 886
S 1277	Jud officers, address confidential	Ch.250	- 885
S 1278	Ignition interlock system	Ch.252	- 887
S 1279	Encroachments	Ch.121	- 507
S 1280	Adoption, residency reqs	Ch.142	- 547
S 1281	Temp caregivers, background check	Ch.104	- 471
S 1282	Vehicles, temp reg permits	Ch. 41	- 245
S 1283	PERSI, employee, definition	Ch.167	- 635
S 1284	Hospitals, claims, liens, mail	Ch.242	- 862
S 1291	Public contracts, boycotts	Ch.238	- 849
S 1292	Land board, dept, legal rep	Ch.210	- 747
S 1293aa,aaH	Cities, annexation	Ch.321	- 1059
S 1294	Rural development partnership	Ch.202	- 717
S 1295	Barbers, wigs, hairpieces, toupees	Ch.155	- 602
S 1297	Mechanics, release of liens	Ch.150	- 597
S 1298	Plats and surveys	Ch. 62	- 307
S 1299	Labor	Ch.154	- 601
S 1301	Credit unions	Ch.130	- 520
S 1303aa	Personal service contracts	Ch.173	- 655
S 1305aa	Urban agriculture	Ch.176	- 662
S 1308	Education, adoption	Ch.131	- 528

S 1309aa	Adoption expenses	Ch.231 -	813
S 1311	Military burial eligibility	Ch.141 -	546
S 1312	State budget requests	Ch.132 -	529
S 1313	Indian affairs, cochairs	Ch.267 -	930
S 1316	Cemetery districts, elections	Ch. 42 -	247
S 1317	License plates, don't tread on me	Ch.187 -	675
S 1322	Invasive species	Ch.122 -	508
S 1326	Aggravated driving while reckless	Ch. 90 -	429
S 1327	Unlawful detainer, records	Ch.269 -	932
S 1328aa	Runaways	Ch.248 -	880
S 1329	Parental rights, medical decisions	Ch.148 -	594
S 1337aa	Irrigation districts, lands	Ch.157 -	607
S 1338	Irrigation districts, boundaries	Ch. 92 -	431
S 1339	Rights-of-way	Ch. 93 -	432
S 1341	Eastern Snake, ground water	Ch.110 -	483
S 1342	Grazing leases	Ch.102 -	466
S 1350	Juvenile corrections, reporting	Ch.249 -	881
S 1352	Counselors, therapists, principles	Ch.152 -	599
S 1354aa,aaH	Electroconvulsive treatment, age	Ch.304 -	1024
S 1355	Medicaid legislative review panel	Ch.149 -	596
S 1358aa	Empowering parents grant	Ch.277 -	951
S 1359	Education, advanced opportunities	Ch.139 -	540
S 1361aa	School district boards, public	Ch.133 -	531
S 1364aa	Beer, brewer's license	Ch.279 -	956
S 1365aa	Driver's licenses, next of kin	Ch.118 -	504
S 1367	Public defense, indigent persons	Ch.270 -	936
S 1368	Adoptions, unlicensed	Ch.232 -	814
S 1372	Approp, dept of ag, trailer	Ch.109 -	480
S 1373	Approp, soil and water, trailer	Ch. 66 -	332
S 1374aa	Weapons, public property	Ch.206 -	732
S 1376aa	Public officials, ballot measures	Ch.268 -	930
S 1377	Petitions, paid signature gatherers	Ch.285 -	973
S 1379	Congregate care, child placement	Ch.153 -	600
S 1380	Health, social srvcs ombudsman	Ch.188 -	680
S 1381aaH	Liquor, resort city restaurants	Ch.284 -	971
S 1382	Approp, fish and game, trailer	Ch. 65 -	329
S 1383	Approp, parks and rec, trailer	Ch. 71 -	361
S 1384	Approp, PUC, trailer	Ch. 91 -	430
S 1385	Approp, libraries comm, add'l	Ch. 72 -	363
S 1386	Approp, historical society, add'l	Ch. 74 -	365
S 1387	Approp, lieutenant gov, trailer	Ch. 97 -	442
S 1388	Approp, secretary of state, trailer	Ch. 95 -	441
S 1394	Voting systems	Ch.260 -	901
S 1397	Approp, dept of insurance, trailer	Ch. 98 -	443
S 1398	Approp, lottery, trailer	Ch. 73 -	364
S 1399	Approp, public television, add'l	Ch. 70 -	360
S 1400	Approp, industrial comm, trailer	Ch.111 -	484
S 1401	Approp, state treasurer, trailer	Ch. 94 -	440
S 1402	Approp, veterans srvcs, trailer	Ch.143 -	550
S 1403	Planning, zoning, areas of impact	Ch.227 -	795
S 1405	Approp, dept of finance, trailer	Ch.123 -	509
S 1406	Approp, hispanic affairs, trailer	Ch.134 -	532
S 1407	Approp, SILC, add'l	Ch.144 -	551
S 1408	Approp, controller, orig	Ch.124 -	510
S 1409	Approp, PERSI, add'l	Ch.125 -	511
S 1410	Approp, land board, trailer	Ch.146 -	555

S 1411	Approp, water resources, trailer	Ch.126 -	512
S 1412	Approp, DEQ, trailer	Ch.135 -	533
S 1414	Approp, dept of labor, trailer	Ch.145 -	552
S 1419	Approp, admin hearings, trailer	Ch.136 -	537
S 1421	Liquor licenses, transfer	Ch.295 -	996
S 1424	Approp, public defender, trailer	Ch.137 -	538
S 1425	Approp, appellate defender, trailer	Ch.138 -	539
S 1426	Approp, H&W fam comm srvs, add'l	Ch.262 -	912
S 1429aaH	Licensing requirements, waivers	Ch.298 -	1006
S 1430	Approp, pardons & parole, add'l	Ch.212 -	750
S 1431	Approp, juvenile corrections, orig	Ch.211 -	748
S 1434	Approp, attorney general, add'l	Ch.311 -	1036
S 1435	Approp, state police, orig	Ch.286 -	975
S 1437	Approp, H&W behav hlth, add'l	Ch.313 -	1038
S 1442	Approp, DOPL, add'l	Ch.280 -	961
S 1446	Approp, legislative srvcs, add'l	Ch.324 -	1073
S 1447	Approp, cash transfer, trailer	Ch.281 -	963
S 1448	Approp, dept commerce, add'l	Ch.289 -	983
S 1451	Approp, correction, add'l	Ch.282 -	964
S 1453	Approp, H&W, other programs, orig	Ch.316 -	1047
S 1454	Approp, exec office gov, add'l	Ch.283 -	971
S 1455	Approp, H&W, pub hlth srvs, add'l	Ch.319 -	1055
S 1456	Approp, H&W, medicaid, add'l	Ch.323 -	1068
S 1458	Approp, dept of lands, AG, trailer	Ch.299 -	1008
S 1459	Approp, HHS ombud, trailer	Ch.296 -	1002
S 1460	Approp, H&W welfare division, add'l	Ch.328 -	1083

NUMERICAL LIST OF HOUSE BILLS

that became law with a brief synopsis and the
chapter number of each bill

		Chapter	Page
H 385	Internal revenue code, definition	Ch. 1	- 3
H 387	Domestic violence, penalties	Ch.163	- 620
H 398aaS	Medicaid, legislative approval	Ch.288	- 982
H 399	Maternal mortality, board, report	Ch. 67	- 333
H 402	Injection wells	Ch. 20	- 161
H 403aaS	Soil conservation dist, supervisors	Ch. 39	- 241
H 404	Records, wildlife	Ch. 25	- 178
H 406	Fentanyl trafficking, drug homicide	Ch. 4	- 14
H 408	Ski patrol, volunteer, liability	Ch.114	- 494
H 410	Income tax for tribal members	Ch. 2	- 3
H 412	Vehicles, ports of entry	Ch. 14	- 127
H 414	Commercial driver's license, fees	Ch. 13	- 116
H 417	State agencies, cash payment	Ch. 37	- 239
H 421	Sex, gender, definitions, rules	Ch.322	- 1063
H 422	Public charter schools	Ch. 9	- 61
H 425	Disaster preparedness	Ch.179	- 665
H 428	Employment, fund size multiplier	Ch. 15	- 129
H 429	PERSI, service purchase	Ch. 18	- 158
H 430	PERSI, disability, school employees	Ch. 34	- 235
H 431	PERSI, contributions	Ch. 19	- 158
H 432	PERSI, confidential records	Ch. 26	- 179
H 433	Human resources, equivalency	Ch.106	- 474
H 435	Controlled substances, schedule I	Ch. 21	- 165
H 436	Allied health professionals	Ch. 61	- 288
H 437	Midwifery licensure	Ch. 59	- 278
H 439	Immunization assessment board	Ch. 75	- 366
H 441	Fentanyl testing strips	Ch. 68	- 334
H 444	County property, sale, exchange	Ch. 22	- 173
H 445	Tax deficiencies, interest	Ch.116	- 499
H 449	Homestead exemption, penalties	Ch.168	- 642
H 450	School district activity funds	Ch. 23	- 176
H 452	Digital learning academy	Ch. 17	- 157
H 454	Advanced opportunity scholarship	Ch. 76	- 366
H 455	Codifier's corrections	Ch. 16	- 132
H 456	State agreements, database	Ch. 44	- 251
H 457	Approp, judicial branch, orig	Ch.103	- 468
H 458	Approp, state edu bd, 2025 maint	Ch. 12	- 104
H 459	Approp, gen govt, 2025 maint	Ch. 10	- 92
H 460	Approp, public schools, 2025 maint	Ch.205	- 723
H 461	Administrative procedures	Ch.169	- 650
H 462	Commission of pardons and parole	Ch.164	- 622
H 465	Sexual abuse, visual representation	Ch.194	- 692
H 466	Architects, practice, state	Ch. 35	- 236

H 467	Irrigation, special assessments	Ch. 60 -	286
H 468	Rangeland improvement act	Ch. 47 -	254
H 471	Unclaimed property	Ch. 27 -	181
H 472	Land inspections, ag director	Ch. 28 -	221
H 474	Pesticides, damage, false reports	Ch. 88 -	427
H 475	Approp, legis branch, 2025 maint	Ch. 11 -	102
H 477	Auditorium districts, dissolution	Ch.165 -	630
H 478	Idaho electric code	Ch. 54 -	268
H 482	Juvenile corrections, hearings	Ch.184 -	671
H 486	Veterans, property	Ch.185 -	673
H 487	Utility successors, agreements	Ch. 45 -	252
H 488	Burden of proof for deduction	Ch. 30 -	224
H 489	Essential caregivers, visitation	Ch.241 -	860
H 490	Criminal background checks	Ch.101 -	446
H 491	Plats, notice, mail	Ch.100 -	444
H 494	Trafficking, commercial sex	Ch.147 -	558
H 496	Tribes, forest land, federal gov	Ch. 24 -	177
H 498	Harmful material, internet	Ch.113 -	486
H 500	Opportunity scholarship	Ch. 82 -	376
H 501aa	Medical liens	Ch.236 -	819
H 502	Unclaimed human remains	Ch.117 -	501
H 505	Occupational licensure, renewal	Ch. 86 -	385
H 507	Timber sales, security	Ch. 89 -	428
H 508	PERSI, police officers	Ch. 87 -	425
H 513	Sheriff, duties, traffic	Ch.254 -	893
H 514aa	Sexual offender registry	Ch.258 -	898
H 518	Medicaid fraud, penalties	Ch.228 -	803
H 521	Taxation, school facilities funds	Ch.237 -	823
H 526	Pelvic exams, unconscious patients	Ch.183 -	670
H 527	Pharmacy, practice	Ch. 69 -	340
H 528	Certified family homes	Ch. 63 -	310
H 529	Charter school funding	Ch. 43 -	249
H 531	Driver's education, parents	Ch. 33 -	229
H 532	Identification cards	Ch. 31 -	224
H 533	Commercial vehicles	Ch. 36 -	238
H 538	Compelled speech, pronouns, titles	Ch.314 -	1044
H 540	Flood control districts	Ch.175 -	657
H 542aaS	International physicians	Ch.216 -	766
H 543	Family daycare homes	Ch.191 -	687
H 545	Rent, regulation, prohibition	Ch.257 -	896
H 547	Purple heart license plates	Ch. 83 -	379
H 549	Chemigation	Ch. 52 -	261
H 561	Canvass report, elections	Ch.201 -	715
H 563	Admin rules	Ch.220 -	774
H 566	Reading assessment, exemption	Ch. 29 -	222
H 570aaS	Liquor, special distributors	Ch.307 -	1031
H 571	Public works, exemptions	Ch. 58 -	274
H 572aaS	Guaranteed income prgm, preempt	Ch.224 -	792
H 574	Bond and levy disclosures	Ch. 84 -	380
H 575	Disclosing synthetic media	Ch.105 -	472
H 576	Self-service storage facilities	Ch.244 -	866
H 577	Medicaid, directed payments	Ch.170 -	652
H 578	Adoption and foster care	Ch.166 -	632
H 580	Military leave, public schools	Ch. 50 -	259
H 581	Teachers, corporal punishment	Ch. 85 -	383
H 583aaS	Vehicles, residency, 30 days	Ch.234 -	816

H 586aaS	Antlers, nonresidents, license	Ch.255 -	895
H 588	Public records requests, residency	Ch.107 -	477
H 589	HOAs, disclosures, fees	Ch.162 -	618
H 590	Community resident assoc, notices	Ch.127 -	515
H 591	Cervidae, quarantine	Ch.108 -	478
H 592	Depredation	Ch. 51 -	260
H 593	State public defender, time off	Ch.160 -	614
H 596aaS	Pharmacy benefit managers	Ch.247 -	872
H 597	Immunizations, exemptions	Ch.225 -	793
H 599	Ballot harvesting prohibited	Ch.317 -	1050
H 600	Assault, battery, penalties	Ch.261 -	908
H 601	Security teams	Ch.256 -	895
H 603aaS	State agencies, donations	Ch.301 -	1010
H 604	Electrical contractors, journeymen	Ch.180 -	667
H 607aaS	Public works, bids, challenges	Ch.189 -	684
H 608aaS	Agricultural protection areas	Ch.215 -	761
H 610	Overtaking a school bus	Ch.190 -	686
H 612	Wolf depredation control board	Ch.203 -	721
H 614aaS	National forests, good neighbor	Ch.243 -	863
H 617	Syringe, needle exchange, repeal	Ch.192 -	688
H 618	Electioneering messages	Ch. 46 -	253
H 620aa	Knives, regulation	Ch.221 -	777
H 621aa	Homeowner's assoc, conflicts	Ch.214 -	759
H 624	Commercial property	Ch.239 -	850
H 626	Admin procedure, scope of review	Ch.235 -	818
H 629	Divorce, guardian ad litem	Ch.233 -	815
H 630	Cassia, Minidoka, county boundaries	Ch.208 -	743
H 632	Naturopathic doctors, licensure	Ch.240 -	858
H 633	Public assistance, pregnancy	Ch.186 -	674
H 634	Broadband, state board of ed	Ch.178 -	664
H 638aa	Strategic initiative grants, LHTAC	Ch.229 -	807
H 640	Vehicles, service-only facilities	Ch.159 -	612
H 644	Board of education, regions	Ch.140 -	544
H 645	School district trustees	Ch.219 -	773
H 646	Counties, boundaries	Ch.222 -	778
H 648	Approp, OITS, trailer	Ch. 55 -	272
H 649	Approp, species cons, trailer	Ch. 56 -	273
H 650	Approp, arts comm, trailer	Ch. 57 -	274
H 654	Corrections, employment, benefits	Ch.196 -	701
H 656	Admin procedure, judicial review	Ch.207 -	739
H 661	Independent candidates	Ch. 32 -	228
H 664	Synthetic media, elections	Ch.172 -	654
H 665	State investments, foreign	Ch.198 -	704
H 666	Sex education, abortion	Ch.177 -	663
H 668	No public funds, gender transition	Ch.209 -	744
H 670aaS	Organ harvesting, genetic tech	Ch.318 -	1051
H 673	Approp, tax comm, trailer	Ch. 48 -	256
H 674	Approp, edu bd, charter com, add'l	Ch. 79 -	373
H 675	Approp, energy resources, trailer	Ch. 49 -	258
H 676	Approp, fin mgmt, trailer	Ch. 96 -	442
H 677	Approp, tax appeals, trailer	Ch. 80 -	373
H 678	Approp, drug policy, add'l	Ch. 77 -	370
H 679	Approp, military div, trailer	Ch. 81 -	374
H 680	Approp, aging commission, trailer	Ch.156 -	606
H 681	Approp, health education, trailer	Ch. 78 -	371
H 682	Approp, legislative branch, enhance	Ch.119 -	505

H 685	Medicaid budget stabilization fund	Ch.204 -	722
H 686	Unemployment, qualifications	Ch.200 -	708
H 687	Kootenai river, adjudication	Ch.223 -	789
H 689	Dealers and salesmen	Ch.213 -	750
H 691	State gov, notice of intent	Ch.230 -	809
H 692	Approp, special progs, trailer	Ch.128 -	516
H 693	Approp, CTE, trailer	Ch.129 -	518
H 694	Approp, liquor, trailer	Ch. 99 -	444
H 697	Public defender, sick time	Ch.217 -	771
H 698	Approp, state board of ed, add'l	Ch.197 -	702
H 699	Approp, commission blind, trailer	Ch.182 -	669
H 700	Approp, voc rehab, trailer	Ch.181 -	668
H 703	Approp, edu bd, ag research, add'l	Ch.158 -	611
H 705	Occupational licensing reform	Ch.265 -	924
H 708aaS	Corporations, state gov	Ch.287 -	980
H 710aaS	Libraries, prohibited materials	Ch.327 -	1080
H 712aaS	Estray livestock	Ch.263 -	916
H 714	Approp, STEM action, trailer	Ch.171 -	653
H 715	Approp, millennium fund, orig	Ch.193 -	688
H 719	Approp, schls deaf blind, add'l	Ch.226 -	794
H 720	Approp, human resources, add'l	Ch.218 -	772
H 722	Approp, WDC, trailer	Ch.310 -	1035
H 725	Commissioner salaries	Ch.245 -	870
H 726	Approp, administration, add'l	Ch.330 -	1089
H 727	Public utilities, social sec number	Ch.272 -	944
H 729	Hwy funds, benefit motor vehicles	Ch.259 -	899
H 731	Approp, dept of ag, trailer	Ch.246 -	872
H 733	Approp, community colleges, add'l	Ch.273 -	944
H 734	Approp, edu bd, college univ, add'l	Ch.275 -	948
H 738	Approp, edu bd, dept of edu, add'l	Ch.271 -	943
H 741	Idaho launch grant program	Ch.290 -	984
H 746	Judicial compensation	Ch.325 -	1073
H 747	Idaho opportunity scholarship	Ch.274 -	945
H 748	Approp, dept of lands, add'l	Ch.320 -	1059
H 749	Approp, pub schls IDLA, add'l	Ch.276 -	950
H 750	Approp, H&W, medicaid, add'l	Ch.315 -	1046
H 751	Sales tax exemption	Ch.297 -	1004
H 752	Approp, attorney general, trailer	Ch.312 -	1038
H 754	Approp, insurance, trailer	Ch.294 -	995
H 757	Approp, pub schls facilities, add'l	Ch.292 -	993
H 758	Approp, controller, trailer	Ch.309 -	1034
H 761	Approp, pub schls teachers, add'l	Ch.293 -	994
H 762	Approp, edu department, add'l	Ch.291 -	991
H 763	Approp, ed, stdnt support, add'l	Ch.303 -	1019
H 764	Approp, judicial salaries, trailer	Ch.326 -	1079
H 765	Approp, judicial branch, add'l	Ch.305 -	1025
H 766	School funding, facilities	Ch.302 -	1011
H 767	Admin procedure act, effective date	Ch.308 -	1032
H 768	Approp, perm building fund	Ch.306 -	1028
H 770	Transportation dept, funding	Ch.329 -	1085

NUMERICAL LIST OF SENATE AND HOUSE JOINT MEMORIALS AND CONCURRENT RESOLUTIONS

SCR 111	Veterinarians	1098
SCR 113	Nuclear energy, supporting	1099
SCR 116	Civics education	1100
SCR 117	Erik Peterson, honoring	1101
SCR 119	Rule approval, transportation	1103
SCR 120	Rule approval, ISP, transportation	1103
SCR 121	Rule approval, education, CTE	1105
SCR 124	Rule approval, div occ licensing	1106
SCR 125	Rule approval, dept env quality	1106
SCR 126	Rule approval, exception, resources	1107
SCR 128	Rule approval, health and welfare	1108
SCR 129	Rule approval, exception, HR	1109
SJM 102	Immigration, labor, security	1093
SJM 103	Snake river dams, breaching, oppose	1095
SJM 104	Hearing protection act	1096
HCR 19	Governor's address	1110
HCR 25	Holocaust education	1110
HCR 27	PANDAS/PANS awareness	1112
HCR 28	Paul Nettleton, honoring	1113
HCR 29	Rule rejection, dept of admin	1114
HCR 30	Medicaid waivers	1115
HCR 31	America250 in Idaho	1116
HCR 33	Rule approval, tax commission	1117
HCR 39	Rule approval, health and welfare	1118
HCR 41	Rule approval, ag affairs cmte	1120
HCR 42	Rule approval, jd, rules cmtes	1120
HCR 43	Rule rejection, juvenile correction	1121
HCR 44	Rule approval, dept env quality	1122
HCR 47	Rule approval, tax appeals	1123
HCR 48	Rules, insurance, finance, DOPL	1124
HCR 49	Rule approval, lands, mining	1126
HCR 51	Session recess, reconvene April 10	1127
HCR 52	Rules approval, state affairs	1127

NUMERICAL LIST OF CONSTITUTIONAL AMENDMENTS

HJR 5	Qualified electors	1092
-------	--------------------------	------

NUMERICAL LIST OF EXECUTIVE ORDERS

2023-03	Outdoor recreation fund advisory council	1133
2023-04	Idaho Suicide Prevention Plan	1134
2023-05	Commission on Service and Volunteerism	1136
2024-01	Idaho Behavioral Health Council	1140
2024-02	Workforce Development Council	1143
2024-03	Juvenile Justice Commission	1146
2024-04	Operation Esto Perpetua	1147

APPENDIX

IDAHO STATE OFFICIAL DIRECTORY

ELECTED OFFICIALS

CONGRESSIONAL

UNITED STATES SENATORS

Senator Mike Crapo (R)
251 E. Front St., Ste. 205
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Senator James E. Risch (R)
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REPRESENTATIVES IN CONGRESS

Russ Fulcher (R), First District
33 E Broadway Av Ste 251
Meridian, Idaho 83642

Mike Simpson (R), Second District
802 W. Bannock, Ste. 600
Boise, Idaho 83702

STATE ELECTED OFFICIALS

GOVERNOR Brad Little (R)

LIEUTENANT GOVERNOR Scott Bedke (R)

SECRETARY OF STATE Phil McGrane (R)

STATE CONTROLLER Brandon D Woolf (R)

STATE TREASURER Julie A. Ellsworth (R)

ATTORNEY GENERAL Raúl Labrador (R)

SUPERINTENDENT OF PUBLIC INST. Debbie Critchfield (R)

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Revenue & Taxation; Transportation & Defense; Ways & Means

Spouse - Veronica

2 - BENEWAH, CLEARWATER, KOOTENAI, SHOSHONE, BONNER COUNTIES

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3 - KOOTENAI COUNTY

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CHAIR-Transportation
Resources & Environment

Spouse - Lori

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CHAIR-Environment, Energy & Technology
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Spouse - Joy

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4 - KOOTENAI COUNTY

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VICE CHAIR-Education
State Affairs; Transportation

Spouse - Elisha

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LEGISLATORS BY DISTRICT (Continued)

5 - KOOTENAI COUNTY

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 Education

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6 - LATAH, LEWIS, NEZ PERCE COUNTIES

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 Agricultural Affairs; Commerce & Human Resources

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7 - ADAMS, IDAHO, NEZ PERCE COUNTIES

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 Change in Employee Compensation Committee; Commerce & Human Resources; Health & Welfare

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8 - BOISE, VALLEY, ELMORE, CUSTER COUNTIES

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 VICE CHAIR-Commerce & Human Resources
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LEGISLATORS BY DISTRICT (Continued)

9 - PAYETTE, WASHINGTON, CANYON COUNTIES

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10 - ADA & CANYON COUNTIES

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11 - CANYON COUNTY

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12 - CANYON COUNTY

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LEGISLATORS BY DISTRICT (Continued)

13 - CANYON COUNTY

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14 - GEM & ADA COUNTIES

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15 - ADA COUNTY

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16 - ADA COUNTY

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LEGISLATORS BY DISTRICT (Continued)

17 - ADA COUNTY

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18 - ADA COUNTY

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19 - ADA COUNTY

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 Education
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20 - ADA COUNTY

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LEGISLATORS BY DISTRICT (Continued)

21 - ADA COUNTY

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22 - ADA COUNTY

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 CO-CHAIR-Joint Millennium Fund Committee
 Economic Outlook and Revenue Assessment Committee;
 Environment, Energy & Technology; Legislative Council;
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23 - OWYHEE, CANYON, ADA COUNTIES

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 Resources & Conservation; Revenue & Taxation

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 Home Educator (Retired) Spouse - David Lambert
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24 - CAMAS, GOODING, TWIN FALLS COUNTIES

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 Self-employed Spouse - Tom
 Agricultural Affairs; Health & Welfare

Chenele Dixon (R) House Seat A 1st Term
 3430 Harvest Moon Drive, Kimberly 83341
 Home 332-1024
 Email: CDixon@house.idaho.gov
 Educator and Realtor Spouse - Michael Dixon
 Health & Welfare; Judiciary, Rules & Administration; Local
 Government

Steve Miller (R) House Seat B 1st Term
 Served 3 terms, House 2012-2018
 1208 E 200 N, Fairfield 83327
 Home 332-1061
 Email: SMiller@house.idaho.gov
 Farmer/Rancher Spouse - Cheryl
 CO-CHAIR-Economic Outlook and Revenue Assessment
 Committee
 VICE CHAIR-Appropriations/JFAC
 Commerce & Human Resources; Transportation & Defense

LEGISLATORS BY DISTRICT (Continued)

25 - TWIN FALLS COUNTY

Linda Wright Hartgen (R) Senate 1st Term
 Served 2 terms, House 2018-2022
 1681 Wildflower Ln, Twin Falls 83301
 Home 332-1318 FAX 733-5790
 Email: LHartgen@senate.idaho.gov
 Trial Court Administrator (Retired) Spouse - Stephen
 CHAIR-Agricultural Affairs
 Commerce & Human Resources; Judiciary & Rules

Lance W. Clow (R) House Seat A 6th Term
 2170 Bitterroot Dr, Twin Falls 83301
 Home 733-5767
 Email: LClow@house.idaho.gov
 Personal Financial Advisor (Retired) Spouse - DeeDee
 CHAIR-Business
 Economic Outlook and Revenue Assessment Committee;
 Education; Local Government

Greg L. Lanting (R) House Seat B 1st Term
 355 Elm St N, Twin Falls 83301
 Home 490-3511
 Email: GLanting@house.idaho.gov
 School Administrator (Retired) Significant Other - Dana DeHaan
 Business; Education; Transportation & Defense

26 - BLAINE, LINCOLN, JEROME COUNTIES

Ron C. Taylor (D) Senate 1st Term
 419 South 2nd Ave, Hailey 83333
 Home 831-1726
 Email: RTaylor@senate.idaho.gov
 Retired Spouse - Alex
 Agricultural Affairs; Health & Welfare; Resources & Environment

Ned Burns (D) House Seat A 2nd Term
 MINORITY CAUCUS CHAIR
 PO Box 693, Bellevue 83313
 Home 332-1174
 Email: NBurns@house.idaho.gov
 Realtor Spouse - Sara
 Joint Millennium Fund Committee; Resources & Conservation;
 Revenue & Taxation; Transportation & Defense; Ways & Means

Jack Nelsen (R) House Seat B 1st Term
 253 E 650 N, Jerome 83338
 Home 320-1921 Bus 320-1921
 Email: JNelsen@house.idaho.gov
 Retired Spouse - Emily
 Agricultural Affairs; Education; Resources & Conservation

27 - CASSIA, MINIDOKA, ONEIDA COUNTIES

Kelly Arthur Anthon (R) Senate 5th Term
 MAJORITY LEADER
 725 E 300 S, Burley 83318
 Home 654-4099
 Email: KAnthon@senate.idaho.gov
 Attorney/City Administrator Spouse - Joelle
 Judiciary & Rules; Legislative Council; State Affairs

Douglas T. Pickett (R) House Seat A 1st Term
 625 W 1700 S, Oakley 83346
 Home 862-3387
 Email: DPickett@house.idaho.gov
 Rancher Spouse - Brady
 CO-CHAIR-Joint Legislative Oversight/JLOC
 Agricultural Affairs; Resources & Conservation; Revenue & Taxation

Clay Handy (R) House Seat B 1st Term
 29 S 150 E, Burley 83318
 Home 332-1074
 Email: CHandy@house.idaho.gov Spouse - Kristine Hansen
 Appropriations/JFAC; Judiciary, Rules & Administration;
 Transportation & Defense

28 - BANNOCK, FRANKLIN, POWER COUNTIES

Jim Guthrie (R) Senate 6th Term
 Served 1 term, House 2010-2012
 320 S Marsh Creek Rd, McCammon 83250
 Home 251-9303
 Email: JGuthrie@senate.idaho.gov
 Rancher/Business Owner
 CHAIR-State Affairs
 Change in Employee Compensation Committee; Commerce & Human Resources; Resources & Environment

Richard W. "Rick" Cheatum (R) House Seat A 1st Term
 2475 Ada Street, Pocatello 83201
 Home 339-2629
 Email: RCheatum@house.idaho.gov
 Retired Spouse - Debra L. Cheatum
 Commerce & Human Resources; Local Government; Revenue & Taxation

Dan Garner (R) House Seat B 1st Term
 PO Box 43, Clifton 83228
 Home 244-0999
 Email: DGarner@house.idaho.gov
 Farmer/Rancher Spouse - Sherri-Jo Garner
 Agricultural Affairs; Education; Judiciary, Rules & Administration

LEGISLATORS BY DISTRICT (Continued)

29 - BANNOCK COUNTY

James D. Ruchti (D) Senate 1st Term
 Served 2 terms, House 2006-2010
 Served 1 term, House 2020-2022
 ASSISTANT MINORITY LEADER
 1490 Windsong Lane, Pocatello 83201
 Home 251-4104 Bus 478-5100 FAX 232-5100
 Email: JRuchti@senate.idaho.gov
 Attorney Spouse - Wendy
 Commerce & Human Resources; Joint Legislative Oversight/JLOC;
 Judiciary & Rules; Legislative Council; State Affairs

Dustin Manwaring (R) House Seat A 2nd Term
 Served 1 term, House 2016-2018
 MAJORITY CAUCUS CHAIR
 1469 W Quinn Road, Pocatello 83202
 Home 252-5295
 Email: DManwaring@house.idaho.gov
 Attorney Spouse - Whitney
 Resources & Conservation; Revenue & Taxation; Transportation &
 Defense; Ways & Means

Nate Roberts (D) House Seat B 1st Term
 PO Box 2173, Pocatello 83206
 Home 269-1230
 Email: NRoberts@house.idaho.gov
 Electrician Spouse - Kirsten
 Agricultural Affairs; Commerce & Human Resources; Health &
 Welfare

30 - BINGHAM & BUTTE COUNTIES

Julie VanOrden (R) Senate 2nd Term
 Served 3 terms, House 2012-2018
 425 S 1100 W, Pingree 83262
 Home 684-4052 Bus 684-4052
 Email: JVanOrden@senate.idaho.gov
 Agribusiness Co-owner/Homemaker Spouse - Garth
 CHAIR-Health & Welfare
 Economic Outlook and Revenue Assessment Committee;
 Finance/JFAC;

David M. Cannon (R) House Seat A 2nd Term
 75 E Judicial St, Blackfoot 83221
 Home 332-1086 Bus 406-9637
 Email: DCannon@house.idaho.gov
 Attorney Spouse - Lisa
 CHAIR-Revenue & Taxation
 Agricultural Affairs; Judiciary, Rules & Administration

Julianne Young (R) House Seat B 3rd Term
 275 N 400 West, Blackfoot 83221
 Home 201-1898
 Email: JYoung@house.idaho.gov
 Homemaker/Mother Spouse - Kevin
 VICE CHAIR-State Affairs
 Environment, Energy & Technology; Ethics and House Policy;
 Judiciary, Rules & Administration

31 - CLARK, FREMONT, JEFFERSON, LEMHI COUNTIES

Van T. Burtenshaw (R) Senate 3rd Term
 Served 2 terms, House 2014-2018
 PO Box 130, Terreton 83450
 Home 663-4607 Bus 663-4469 FAX 663-4760
 Email: VBurtenshaw@senate.idaho.gov
 Farmer/Rancher Spouse - Joan "Joni" Marie
 CHAIR-Resources & Environment
 CO-CHAIR-Joint Millennium Fund Committee
 Change in Employee Compensation Committee; Economic Outlook
 and Revenue Assessment Committee; Finance/JFAC;

Jerald Raymond (R) House Seat A 1st Term
 Served 1 term, House 2018-2020
 3352 E 750 North, Menan 83434
 Home 497-2745
 Email: JRaymond@house.idaho.gov
 Rancher/Livestock Consultant Spouse - Cheri
 VICE CHAIR-Agricultural Affairs
 Resources & Conservation; Revenue & Taxation

Rod Furniss (R) House Seat B 3rd Term
 346 North 4456 East, Rigby 83442
 Home 589-1100
 Email: RFurniss@house.idaho.gov
 Insurance Sales/Land Developer Spouse - Jan
 VICE CHAIR-Environment, Energy & Technology
 Appropriations/JFAC; Business;

32 - BONNEVILLE COUNTY

Kevin Cook (R) Senate 2nd Term
 1184 E Lazy Lane, Idaho Falls 83404
 Home 521-6776
 Email: KCook@senate.idaho.gov
 Software Engineer Spouse - Cheri
 CHAIR-Commerce & Human Resources
 CO-CHAIR-Change in Employee Compensation Committee
 CO-CHAIR-Economic Outlook and Revenue Assessment
 Committee
 Finance/JFAC; Local Government & Taxation

Stephanie Jo Mickelsen (R) House Seat A 1st Term
 9088 N River Rd, Idaho Falls 83402
 Home 715-7770 Bus 745-6626
 Email: SMickelsen@house.idaho.gov
 CFO Mickelsen Farms, LLC Spouse - Mark Mickelsen
 Environment, Energy & Technology; Resources & Conservation;
 Revenue & Taxation

Wendy Horman (R) House Seat B 6th Term
 1860 Heather Circle, Idaho Falls 83406
 Home 522-4387
 Email: WendyHorman@house.idaho.gov
 Small Business Owner Spouse - Briggs
 CHAIR-Appropriations
 CO-CHAIR-JFAC
 Economic Outlook and Revenue Assessment Committee;
 Environment, Energy & Technology; Legislative Council

LEGISLATORS BY DISTRICT (Continued)

33 - BONNEVILLE COUNTY

Dave Lent (R) Senate 3rd Term
 1186 Caysie Cir, Idaho Falls 83402
 Home 521-0716
 Email: DLent@senate.idaho.gov
 Nuclear Facility Training Manager Spouse - Terri
 (Retired)
 CHAIR-Education
 Economic Outlook and Revenue Assessment Committee;
 Finance/JFAC; Joint Legislative Oversight/JLOC

Barbara Ehardt (R) House Seat A 4th Term
 961 J St, Idaho Falls 83402
 Home 332-1189 Bus 529-8600
 Email: BEhardt@house.idaho.gov
 Manager - Athletic Club
 CHAIR-Local Government
 Education; Judiciary, Rules & Administration

Marco Adam Erickson (R) House Seat B 2nd Term
 646 Crestview Ave, Idaho Falls 83402
 Home 241-5665
 Email: MErickson@house.idaho.gov
 Coalition Program Director Spouse - Emily
 VICE CHAIR-Health & Welfare
 Joint Millennium Fund Committee; Judiciary, Rules &
 Administration; Local Government

34 - MADISON COUNTY

Doug Ricks (R) Senate 2nd Term
 Served 1 term, House 2018-2020
 140 S 3rd East, Rexburg 83440
 Home 557-9665
 Email: DRicks@senate.idaho.gov
 Self-employed Spouse - Melissa
 CHAIR-Local Government & Taxation
 Commerce & Human Resources; Judiciary & Rules

Jon O. Weber (R) House Seat A 2nd Term
 64 E Main St, Rexburg 83440
 Home 390-6128
 Email: JWeber@house.idaho.gov
 Small Business Owner Spouse - Heather
 CHAIR-Ways & Means
 Commerce & Human Resources; Local Government; Revenue &
 Taxation

Britt Raybould (R) House Seat B 1st Term
 Served 1 term, House 2018-2020
 PO Box 653, Rexburg 83440
 Home 419-0768 Bus 419-0768
 Email: BRaybould@house.idaho.gov
 Farmer/CFO/Business Strats
 Appropriations/JFAC; Environment, Energy & Technology; Ethics
 and House Policy; Resources & Conservation

35 - BANNOCK, BEAR LAKE, BONNEVILLE, CARIBOU, TETON COUNTIES

Mark Harris (R) Senate 5th Term
 MAJORITY CAUCUS CHAIR
 1619 8- Mile Creek Rd, Soda Springs 83276
 Home 547-3360
 Email: MHarris@senate.idaho.gov
 Rancher Spouse - Cheryl
 Health & Welfare; Resources & Environment; State Affairs

Kevin Andrus (R) House Seat A 3rd Term
 6948 E Old Oregon Trail Rd, Lava Hot Springs 83246
 Home 240-0201
 Email: KAndrus@house.idaho.gov
 Rancher/Horse Trainer Spouse - Shelby
 CHAIR-Agricultural Affairs
 Business; State Affairs

Josh Wheeler (R) House Seat B 1st Term
 1849 S Foothill Rd, Ammon 83401
 Home 360-3926 FAX 522-5927
 Email: JoshWheeler@house.idaho.gov
 Contractor Spouse - Laramie Linning
 Wheeler
 Change in Employee Compensation Committee; Commerce &
 Human Resources; Environment, Energy & Technology; Health &
 Welfare

