

GENERAL LAWS
OF THE
STATE OF IDAHO



**PASSED AND PUBLISHED BY
THE FIRST REGULAR SESSION OF THE
SIXTY-FOURTH IDAHO LEGISLATURE**

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Volume 1

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

**Chairman Lodge
Senate Judiciary & Rules
Chairman Luker
House Judiciary, Rules & Administration**

CHAPTER 1
(H.B. No. 16)

AN ACT
PROVIDING AN APPROPRIATION AND A TRANSFER OF FUNDS TO THE PEST CONTROL DEFICIENCY FUND; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated and the State Controller shall transfer \$342,600 from the General Fund to the Pest Control Deficiency Fund as soon as practicable. Such moneys shall be used to reimburse costs incurred by the Plant Industries Program in the Department of Agriculture pursuant to Section 22-2019, 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 February 6, 2017

CHAPTER 2
(S.B. No. 1010)

AN ACT
APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF FISH AND GAME FOR FISCAL YEAR 2017; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to the appropriation made in Section 1, Chapter 332, Laws of 2016, and any other appropriation provided for by law, there is hereby appropriated \$400,000 from the Fish and Game Set-Aside (Licenses) Fund to the Department of Fish and Game for the Wildlife Mitigation and Habitat Conservation Program, to be expended for operating expenditures, for the period July 1, 2016, through June 30, 2017.

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 February 6, 2017

CHAPTER 3
(H.B. No. 1)

AN ACT

RELATING TO THE IDAHO ADMINISTRATIVE PROCEDURE ACT; PROVIDING LEGISLATIVE INTENT; AMENDING SECTION 67-5291, IDAHO CODE, TO PROVIDE FOR PARTS OF A RULE, TO REVISE TERMINOLOGY AND TO DEFINE A TERM; AND DECLARING AN EMERGENCY.

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

SECTION 1. LEGISLATIVE INTENT. It is the intent of the Legislature to clarify its authority to approve or reject rules, in whole or in part, as prescribed in Section 29, Article III, of the Constitution of the State of Idaho. The power of the Legislature to approve or reject a part of a rule applies only to the entirety of a provision, such as a subsection or subparagraph, or to any new or amended language contained in such a provision. The Legislature does not have the authority to reject certain and select words or phrases that would alter the meaning or purpose of the entire rule.

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) The standing committees of the legislature may review temporary, pending and final rules which have been published in the bulletin or in the administrative code. If reviewed, the standing committee which reviewed the rules shall report to the membership of the body its findings and recommendations concerning its review of the rules. If ordered by the presiding officer, the report of the committee shall be printed in the journal. A concurrent resolution may be adopted approving the rule, in whole or in part, or rejecting the rule where it is determined that the rule violates, or part of the rule, is not consistent with the legislative intent of the statute under which the rule was made that the rule was written to interpret, prescribe, implement or enforce, or where it is determined that any rule, or part of a rule, previously promulgated and reviewed by the legislature shall be deemed not to violate be consistent with the legislative intent of the statute under which the rule was made the rule was written to interpret, prescribe, implement or enforce. The rejection of a rule, or part of a rule, by the legislature via concurrent resolution shall prevent the agency's intended action from remaining in effect beyond the date of the legislative action. It shall be the responsibility of the secretary of state to 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 and to transmit a copy of the concurrent resolution to the director of the agency for promulgation. The agency shall be responsible for implementing legislative intent as expressed in the concurrent resolution, including, as appropriate, the reinstatement of the prior rule, if any, in the case of legislative rejection of a new rule. If a rule, or part of a rule, has been rejected by the legislature, the agency shall publish notice of such rejection in the bulletin. Except as provided in section 67-5226, Idaho Code, with respect to temporary rules, every rule promulgated within the authority conferred by law, and in accordance with the provisions of chapter 52, title 67, Idaho Code, and made effective pursuant to section 67-5224(5), Idaho Code, shall remain in full force and effect until the same is rejected by concurrent resolution, or until it expires as provided in section 67-5292, Idaho Code, or by its own terms.

(2) For purposes of this section, "part of a 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.

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 February 13, 2017

CHAPTER 4
(H.B. No. 6)

AN ACT

RELATING TO CONTROLLED SUBSTANCES; AMENDING SECTION 37-2702, IDAHO CODE, TO CLARIFY THE BOARD OF PHARMACY'S AUTHORITY TO DESIGNATE A CONTROLLED SUBSTANCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 37-2705, IDAHO CODE, TO REVISE THE LIST OF SCHEDULE I CONTROLLED SUBSTANCES; AMENDING SECTION 37-2709, IDAHO CODE, TO REVISE THE LIST OF SCHEDULE III CONTROLLED SUBSTANCES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 37-2711, IDAHO CODE, TO REVISE THE LIST OF SCHEDULE IV CONTROLLED SUBSTANCES; AMENDING SECTION 37-2713, IDAHO CODE, TO REVISE THE LIST OF SCHEDULE V CONTROLLED SUBSTANCES; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 37-2702, Idaho Code, be, and the same is hereby amended to read as follows:

37-2702. AUTHORITY TO CONTROL. (a) The board shall administer the regulatory provisions of this act and may add substances to or delete or reschedule all substances enumerated in the schedules in sections 37-2705, 37-2707, 37-2709, 37-2711, or 37-2713, Idaho Code, pursuant to the procedures of chapter 52, title 67, Idaho Code. In making a determination regarding a substance, the board shall consider the following:

- (1) ~~The~~ actual or relative potential for abuse;
- (2) ~~The~~ scientific evidence of its pharmacological effect, if known;
- (3) ~~The~~ state of current scientific knowledge regarding the substance;
- (4) ~~The~~ history and current pattern of abuse;
- (5) ~~The~~ scope, duration, and significance of abuse;
- (6) ~~The~~ risk to the public health;
- (7) ~~The~~ potential of the substance to produce psychic or physiological dependence liability; and
- (8) ~~w~~Whether the substance is an immediate precursor of a substance already controlled under this article.

(b) After considering the factors enumerated in subsection (a) of this section, the board shall make findings with respect thereto and issue a rule controlling the substance if it finds the substance has a potential for abuse.

(c) If the board designates a substance as an immediate precursor, substances which are precursors of the controlled precursor shall not be subject to control solely because they are precursors of the controlled precursor.

(d) If any substance is designated, rescheduled, or deleted as a controlled substance under federal law and notice thereof is given to the board, the board shall similarly control the substance under this act after

~~the expiration of~~ by promulgating a temporary rule or proposing a statutory amendment, or both, within thirty (30) days from publication in the Federal Register of a final order designating a substance as a controlled substance or rescheduling or deleting a substance, unless within that thirty (30) day period, the board objects to inclusion, rescheduling, or deletion. In that case, the board shall publish the reasons for objection and afford all interested parties an opportunity to be heard. At the conclusion of the hearing, the board shall publish its decision, which shall be final unless altered by statute. Upon publication of objection to inclusion, rescheduling, or deletion under this act by the board, control under this act is stayed until the board publishes its decision.

(e) Authority to control under this section does not extend to distilled spirits, wine, malt beverages, or tobacco.

SECTION 2. That Section 37-2705, Idaho Code, be, and the same is hereby amended to read as follows:

37-2705. SCHEDULE I. (a) The controlled substances listed in this section are included in schedule I.

(b) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

- (1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide);
- (2) Acetylmethadol;
- (3) Allylprodine;
- (4) Alphacetylmethadol (except levo-alphacetylmethadol also known as levo-alpha-acetylmethadol, levomethadyl acetate or LAAM);
- (5) Alphameprodine;
- (6) Alphamethadol;
- (7) Alpha-methylfentanyl;
- (8) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);
- (9) Benzethidine;
- (10) Betacetylmethadol;
- (11) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-phenylpropanamide);
- (12) Beta-hydroxy-3-methylfentanyl (N-(1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl)-N-phenylpropanamide);
- (13) Betameprodine;
- (14) Betamethadol;
- (15) Betaprodine;
- (16) Clonitazene;
- (17) Dextromoramide;
- (18) Diampromide;
- (19) Diethylthiambutene;
- (20) Difenoxin;
- (21) Dimenoxadol;
- (22) Dimepheptanol;
- (23) Dimethylthiambutene;
- (24) Dioxaphetyl butyrate;
- (25) Dipipanone;
- (26) Ethylmethylthiambutene;
- (27) Etonitazene;
- (28) Etoxeridine;
- (29) Furethidine;
- (30) Hydroxypethidine;
- (31) Ketobemidone;

- (32) Levomoramide;
- (33) Levophenacymorphan;
- (34) 3-Methylfentanyl;
- (35) 3-methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);
- (36) Morpheridine;
- (37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
- (38) Noracymethadol;
- (39) Norlevorphanol;
- (40) Normethadone;
- (41) Norpipanone;
- (42) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl] propanamide);
- (43) PEPAP (1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine);
- (44) Phenadoxone;
- (45) Phenampromide;
- (46) Phenomorphan;
- (47) Phenoperidine;
- (48) Piritramide;
- (49) Proheptazine;
- (50) Properidine;
- (51) Propiram;
- (52) Racemoramide;
- (53) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide);
- (54) Tilidine;
- (55) Trimeperidine;
- (56) u-47700 (3,4-Dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide).

(c) Any of the following opium derivatives, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

- (1) Acetorphine;
- (2) Acetyldihydrocodeine;
- (3) Benzylmorphine;
- (4) Codeine methylbromide;
- (5) Codeine-N-Oxide;
- (6) Cyprenorphine;
- (7) Desomorphine;
- (8) Dihydromorphine;
- (9) Drotebanol;
- (10) Etorphine (except hydrochloride salt);
- (11) Heroin;
- (12) Hydromorphanol;
- (13) Methyldesorphine;
- (14) Methyldihydromorphine;
- (15) Morphine methylbromide;
- (16) Morphine methylsulfonate;
- (17) Morphine-N-Oxide;
- (18) Myrophine;
- (19) Nicocodeine;
- (20) Nicomorphine;
- (21) Normorphine;
- (22) Pholcodine;
- (23) Thebacon.

(d) Hallucinogenic substances. Any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically

excepted, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation (for purposes of this paragraph only, the term "isomer" includes the optical, position and geometric isomers):

- (1) Dimethoxyphenethylamine, or any compound not specifically excepted or listed in another schedule that can be formed from dimethoxyphenethylamine by replacement of one (1) or more hydrogen atoms with another atom(s), functional group(s) or substructure(s) including, but not limited to, compounds such as DOB, DOC, 2C-B, 25B-NBOMe;
- (2) Methoxyamphetamine or any compound not specifically excepted or listed in another schedule that can be formed from methoxyamphetamine by replacement of one (1) or more hydrogen atoms with another atom(s), functional group(s) or substructure(s) including, but not limited to, compounds such as PMA and DOM;
- (3) 5-methoxy-3,4-methylenedioxy-amphetamine;
- (4) 5-methoxy-N,N-diisopropyltryptamine;
- (5) Amphetamine or methamphetamine with a halogen substitution on the benzyl ring, including compounds such as fluorinated amphetamine and fluorinated methamphetamine;
- (6) 3,4-methylenedioxy amphetamine;
- (7) 3,4-methylenedioxymethamphetamine (MDMA);
- (8) 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4 (methylenedioxy) phenethylamine, and N-ethyl MDA, MDE, MDEA);
- (9) N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-hydroxy-alpha-methyl-3,4 (methylenedioxy) phenethylamine, and N-hydroxy MDA);
- (10) 3,4,5-trimethoxy amphetamine;
- (11) 5-methoxy-N,N-dimethyltryptamine (also known as 5-methoxy-3-2[2-(dimethylamino)ethyl]indole and 5-MeO-DMT);
- (12) Alpha-ethyltryptamine (some other names: etryptamine, 3-(2-aminobutyl) indole);
- (13) Alpha-methyltryptamine;
- (14) Bufotenine;
- (15) Diethyltryptamine (DET);
- (16) Dimethyltryptamine (DMT);
- (17) Ibogaine;
- (18) Lysergic acid diethylamide;
- (19) Marihuana;
- (20) Mescaline;
- (21) Parahexyl;
- (22) Peyote;
- (23) N-ethyl-3-piperidyl benzilate;
- (24) N-methyl-3-piperidyl benzilate;
- (25) Psilocybin;
- (26) Psilocyn;
- (27) Tetrahydrocannabinols or synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. and/or synthetic substances, derivatives, and their isomers with similar chemical structure such as the following:
 - i. Tetrahydrocannabinols:
 - a. Δ^1 cis or trans tetrahydrocannabinol, and their optical isomers, excluding dronabinol in sesame oil and encapsulated in a soft gelatin capsule in a drug product approved by the U.S. Food and Drug Administration.
 - b. Δ^6 cis or trans tetrahydrocannabinol, and their optical isomers.

c. $\Delta^{3,4}$ cis or trans tetrahydrocannabinol, and its optical isomers. (Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions are covered.)

d. [(6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2methyl-octan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol)], also known as 6aR-trans-3-(1,1-dimethylheptyl)-6a,7,10,10a-tetrahydro-1-hydroxy-6,6-dimethyl-6H-dibenzo[b,d]pyran-9-methanol (HU-210) and its geometric isomers (HU211 or dexanabinol).

ii. The following synthetic drugs:

a. Any compound structurally derived from (1H-indole-3-yl)(cycloalkyl, cycloalkenyl, aryl)methanone, or (1H-indole-3-yl)(cycloalkyl, cycloalkenyl, aryl)methane, or (1H-indole-3-yl)(cycloalkyl, cycloalkenyl, aryl), methyl or dimethyl butanoate, amino-methyl (or dimethyl)-1-oxobutan-2-yl carboxamide by substitution at the nitrogen atoms of the indole ring or carboxamide to any extent, whether or not further substituted in or on the indole ring to any extent, whether or not substituted to any extent in or on the cycloalkyl, cycloalkenyl, aryl ring(s) (substitution in the ring may include, but is not limited to, heteroatoms such as nitrogen, sulfur and oxygen).

b. Any compound structurally derived from 3-(1-naphthyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring to any extent, whether or not further substituted in the pyrrole ring to any extent, whether or not substituted in the naphthyl ring to any extent.

c. Any compound structurally derived from 1-(1-naphthylmethyl)indene by substitution at the 3-position of the indene ring to any extent, whether or not further substituted in the indene ring to any extent, whether or not substituted in the naphthyl ring to any extent.

d. Any compound structurally derived from 3-phenylacetylindole by substitution at the nitrogen atom of the indole ring to any extent, whether or not further substituted in the indole ring to any extent, whether or not substituted in the phenyl ring to any extent.

e. Any compound structurally derived from 2-(3-hydroxycyclohexyl)phenol by substitution at the 5-position of the phenolic ring to any extent, whether or not substituted in the cyclohexyl ring to any extent.

f. Any compound structurally derived from 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring to any extent, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent.

g. [2,3-dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrol-1,2,3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone (WIN-55,212-2).

h. 3-dimethylheptyl-11-hydroxyhexahydrocannabinol (HU-243).

i. [(6S, 6aR, 9R, 10aR)-9-hydroxy-6-methyl-3-[(2R)-5-phenylpentan-2-yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl]acetate (CP 50,5561).

(28) Ethylamine analog of phencyclidine: N-ethyl-1-phenylcyclohexylamine (1-phenylcyclohexyl) ethylamine; N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE;

(29) Pyrrolidine analog of phencyclidine: 1-(phenylcyclohexyl) - pyrrolidine, PCPy, PHP;

(30) Thiophene analog of phencyclidine 1-[1-(2-thienyl)-cyclohexyl]-piperidine, 2-thienylanalog of phencyclidine, TPCP, TCP;

(31) 1-[1-(2-thienyl) cyclohexyl] pyrrolidine another name: TCPy;

(32) Spores or mycelium capable of producing mushrooms that contain psilocybin or psilocin.

(e) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Gamma hydroxybutyric acid (some other names include GHB; gamma-hydroxybutyrate, 4-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate);

(2) Flunitrazepam (also known as "R2," "Rohypnol");

(3) Mecloqualone;

(4) Methaqualone.

(f) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:

(1) Aminorex (some other names: aminoxaphen, 2-amino-5-phenyl-2-oxazoline, or 4,5-dihydro-5-phenyl-2-oxazolamine);

(2) Cathinone (some other names: 2-amino-1-phenol-1-propanone, alpha-aminopropiophenone, 2-aminopropiophenone and norephedrone);

(3) Substituted cathinones. Any compound, except bupropion or compounds listed under a different schedule, structurally derived from 2-aminopropan-1-one by substitution at the 1-position with either phenyl, naphthyl or thiophene ring systems, whether or not the compound is further modified in any of the following ways:

i. By substitution in the ring system to any extent with alkyl, alkylendioxy, alkoxy, haloalkyl, hydroxyl or halide substituents, whether or not further substituted in the ring system by one (1) or more other univalent substituents;

ii. By substitution at the 3-position with an acyclic alkyl substituent;

iii. By substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl or methoxybenzyl groups, or by inclusion of the 2-amino nitrogen atom in a cyclic structure.

(4) Fenethylamine;

(5) Methcathinone (some other names: 2-(methyl-amino)-propiophenone, alpha-(methylamino)-propiophenone, N-methylcathinone, AL-464, AL-422, AL-463 and UR1423);

(6) (+/-)cis-4-methylaminorex [(+/-)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine];

(7) N-benzylpiperazine (also known as: BZP, 1-benzylpiperazine);

(8) N-ethylamphetamine;

(9) N,N-dimethylamphetamine (also known as: N,N-alpha-trimethyl-benzeethanamine).

SECTION 3. That Section 37-2709, Idaho Code, be, and the same is hereby amended to read as follows:

37-2709. SCHEDULE III. (a) Schedule III shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section.

(b) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, (whether optical or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Those compounds, mixtures, or preparations in dosage unit form containing any stimulant substances listed in schedule II which compounds, mixtures, or preparations were listed as excepted compounds under 21 CFR 1308.32, and any other drug of the quantitative composition shown in that list for those drugs or which is the same except that it contains a lesser quantity of controlled substances.

- (2) Benzphetamine;
- (3) Chlorphentermine;
- (4) Clortermine;
- (5) Phendimetrazine.

(c) Depressants. Unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system:

(1) Any compound, mixture or preparation containing:

- i. Amobarbital;
- ii. Secobarbital;
- iii. Pentobarbital or any salt thereof and one (1) or more other active medicinal ingredients which are not listed in any schedule.

(2) Any suppository dosage form containing:

- i. Amobarbital;
- ii. Secobarbital;
- iii. Pentobarbital or any salt of any of these drugs and approved by the Food and Drug Administration for marketing only as a suppository.

(3) Any substance which contains any quantity of a derivative of barbituric acid or any salt thereof, including, but not limited to:

- i. Aprobarbital;
- ii. Butobarbital (secbutobarbital);
- iii. Butalbital;
- iv. Butobarbital (butethal);
- v. Talbutal;
- vi. Thiamylal;
- vii. Thiopental;
- viii. Vinbarbital.

(4) Chlorhexadol;

(5) Embutramide;

(6) Any drug product containing gamma hydroxybutyric acid, including its salts, isomers, and salts of isomers, for which an application is approved under section 505 of the federal food, drug, and cosmetic act;

(7) Ketamine, its salts, isomers, and salts of isomers-7285. (Some other names for ketamine: (+/-)-2-(2-chlorophenyl)-2-(methylamino)-cyclohexanone).

(8) Lysergic acid;

(9) Lysergic acid amide;

(10) Methyprylon;

(11) Perampanel, and its salts, isomers and salts of isomers;

(12) Sulfondiethylmethane;

(13) Sulfonethylmethane;

(14) Sulfonmethane;

(15) Tiletamine and zolazepam or any salt thereof.

(d) Nalorphine.

(e) Narcotic drugs. Unless specifically excepted or unless listed in another schedule:

(1) Any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof:

(i) Not more than 1.8 grams of codeine, or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;

(ii) Not more than 1.8 grams of codeine, or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with one (1) or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(iii) Not more than 1.8 grams of dihydrocodeine, or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with one (1) or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(iv) Not more than 300 milligrams of ethylmorphine, or any of its salts, per 100 milliliters or not more than 15 milligrams per dosage unit, with one (1) or more ingredients in recognized therapeutic amounts;

(v) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not more than 25 milligrams per dosage unit, with one (1) or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(vi) Not more than 50 milligrams of morphine, or any of its salts, per 100 milliliters or per 100 grams with one (1) or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(2) Any material, compound, mixture, or preparation containing any of the following narcotic drugs or their salts, as set forth below:

(i) Buprenorphine.

(ii) [Reserved].

(f) Anabolic steroids and human growth hormones. Any drug or hormonal substance, chemically and pharmacologically related to testosterone (other than estrogens, progestins and corticosteroids) that promotes muscle growth including any salt, ester or isomer of a drug or substance listed in this paragraph, if that salt, ester or isomer promotes muscle growth.

(1) 13beta-ethyl-17beta-hydroxygon-4-en-3-one;

(2) 17alpha-methyl-3alpha, 17beta-dihydroxy-5alpha-androstane;

(3) 17alpha-methyl-3beta, 17beta-dihydroxy-5alpha-androstane;

(4) 17alpha-methyl-3beta, 17beta-dihydroxyandrost-4-ene;

(5) 17alpha-methyl-4-hydroxynandrolone;

(6) 17alpha-methyl-delta1-dihydrotestosterone;

(7) 19-nor-4-androstenediol;

(8) 19-nor-4-androstenedione;

(9) 19-nor-4,9(10)-androstadienedione;

(10) 19-nor-5-androstenediol;

(11) 19-nor-5-androstenedione;

(12) 1-androstenediol;

(13) 1-androstenedione;

(14) 3alpha,17beta-dihydroxy-5alpha-androstane;

(15) 3beta,17beta-dihydroxy-5alpha-androstane;

(16) 4-androstenediol;

(17) 4-androstenedione;

(18) 4-hydroxy-19-nortestosterone;

(19) 4-hydroxytestosterone;

(20) 5-androstenediol;

(21) 5-androstenedione;

(22) Androstenedione;

(23) Bolasterone;

- (24) Boldenone;
- (25) Boldione;
- (26) Calusterone;
- (27) Chlorotestosterone (4-chlorotestosterone);
- (28) Clostebol;
- (29) Dehydrochlormethyltestosterone;
- (30) Delta1-dihydrotestosterone;
- (31) Desoxymethyltestosterone;
- (32) Dihydrotestosterone (4-dihydrotestosterone);
- (33) Drostanolone;
- (34) Ethylestrenol;
- (35) Fluoxymesterone;
- (36) Formebolone;
- (37) Furazabol;
- (38) Human growth hormones;
- (39) Mestanolone;
- (40) Mesterolone;
- (41) Methandienone;
- (42) Methandranone;
- (43) Methandriol;
- (44) Methandrostenolone;
- (45) Methasterone (2a, 17a-dimethyl-5a-androstan-17 β -ol-3-one);
- (46) Methenolone;
- (47) Methyldienolone;
- (48) Methyltestosterone;
- (49) Methyltrienolone;
- (50) Mibolerone;
- (51) Nandrolone;
- (52) Norbolethone;
- (53) Norclostebol;
- (54) Norethandrolone;
- (55) Normethandrolone;
- (56) Oxandrolone;
- (57) Oxymesterone;
- (58) Oxymetholone;
- (59) Prostanazol (17 β -hydroxy-5a-androstano[3,2-c]pyrazole);
- (60) Stanolone;
- (61) Stanozolol;
- (62) Stenbolone;
- (63) Testolactone;
- (64) Testosterone;
- (65) Testosterone cypionate;
- (66) Testosterone enanthate;
- (67) Testosterone propionate;
- (68) Tetrahydrogestrinone;
- (69) Trenbolone.

Anabolic steroids that are expressly intended for administration through implants or injection to cattle or other nonhuman species, and that are approved by the federal Food and Drug Administration for such use, shall not be classified as controlled substances under this act and shall not be governed by its provisions.

In addition to the penalties prescribed in article IV of the uniform controlled substances act, any person shall be guilty of a felony who prescribes, dispenses, supplies, sells, delivers, manufactures or possesses with the intent to prescribe, dispense, supply, sell, deliver or manufacture anabolic steroids or any other human growth hormone for purposes of enhancing performance in an exercise, sport or game or hormonal manipulation intended to increase muscle mass, strength or weight without a medical necessity as determined by a physician.

(g) Hallucinogenic substances.

(1) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in the federal Food and Drug Administration approved product -- 7369. (Some other names for dronabinol: (6aR-trans) -6a,7,8,10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo [b,d]pyran-1-ol or (-)-delta-9- (trans)-tetrahydrocannabinol).

(h) ~~Other substances. Unless specifically excepted, or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substance, including its salts:~~

~~(1) Butorphanol.~~

~~(i) The board may except by rule any compound, mixture, or preparation containing any stimulant or depressant substance listed in subsections (b) and or (c) of this section from the application of all or any part of this act if the compound, mixture, or preparation contains one (1) or more active medicinal ingredients not having a stimulant or depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a stimulant or depressant effect on the central nervous system.~~

SECTION 4. That Section 37-2711, Idaho Code, be, and the same is hereby amended to read as follows:

37-2711. SCHEDULE IV. (a) Schedule IV shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section.

(b) Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

(1) No more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit;

(2) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1, 2-diphenyl-3-methyl-2-propionoxybutane).

(3) 2- [(dimethylamino)methyl]-1-(3-methoxyphenyl)cyclohexanol (including tramadol), including its salts, optical and geometric isomers, and salts of isomers.

(c) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Alfaxalone 5[alpha]-pregnan-3[alpha]-ol-11,20-dione;

(2) Alprazolam;

(3) Barbital;

(4) Bromazepam;

(5) Camazepam;

(6) Carisprodol;

(7) Chloral betaine;

(8) Chloral hydrate;

(9) Chlordiazepoxide;

(10) Clobazam;

(11) Clonazepam;

(12) Clorazepate;

(13) Clotiazepam;

(14) Cloxazolam;

(15) Delorazepam;

(16) Diazepam;

(17) Dichloralphenazone;

- (18) Estazolam;
- (19) Ethchlorvynol;
- (20) Ethinamate;
- (21) Ethyl loflazepate;
- (22) Fludiazepam;
- (23) Flurazepam;
- (24) Fospropofol;
- (25) Halazepam;
- (256) Haloxazolam;
- (267) Ketazolam;
- (278) Loprazolam;
- (289) Lorazepam;
- (2930) Lormetazepam;
- (301) Mebutamate;
- (312) Medazepam;
- (323) Meprobamate;
- (334) Methohexital;
- (345) Methylphenobarbital (mephobarbital);
- (356) Midazolam;
- (367) Nimetazepam;
- (378) Nitrazepam;
- (389) Nordiazepam;
- (3940) Oxazepam;
- (401) Oxazolam;
- (412) Paraldehyde;
- (423) Petrichloral;
- (434) Phenobarbital;
- (445) Pinazepam;
- (456) Prazepam;
- (467) Quazepam;
- (478) Suvorexant;
- (489) Temazepam;
- (4950) Tetrazepam;
- (501) Triazolam;
- (512) Zaleplon;
- (523) Zolpidem;
- (534) Zopiclone.

(d) Fenfluramine -- Any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers, whenever the existence of such salts, isomers, and salts of isomers is possible:

- (1) Dexfenfluramine;
- (2) Fenfluramine.

(e) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) Cathine ((+)-norpseudoephedrine);
- (2) Diethylpropion;
- (3) Fencamfamin;
- (4) Fenproporex;
- (5) Lorcaserin;
- (6) Mazindol;
- (7) Mefenorex;
- (8) Modafinil;

- (9) Pemoline (including organometallic complexes and chelates thereof);
- (10) Phentermine;
- (11) Pipradrol;
- (12) Sibutramine;
- (13) SPA ((-)-1-dimethylamino-1,2-diphenylethane).

(f) Other substances. Unless specifically excepted, or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances, including its salts:

- (1) Pentazocine;
- (2) ~~Fesprepefel~~ Butorphanol (including its optical isomers);
- (3) Eluxadoline (5-[[[(2S)-2-amino-3-[4-aminocarbonyl]-2,6-dimethylphenyl]-1-oxopropyl][(1S)-1-(4-phenyl-1H-imidazol-2-yl)ethyl]amino]methyl]-2-methoxybenzoic acid) (including its optical isomers) and its salts, isomers, and salts of isomers.

(g) The board may except by rule any compound, mixture, or preparation containing any depressant substance listed in subsection (c) of this section from the application of all or any part of this act if the compound, mixture, or preparation contains one (1) or more active medicinal ingredients not having a depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a depressant effect on the central nervous system.

SECTION 5. That Section 37-2713, Idaho Code, be, and the same is hereby amended to read as follows:

37-2713. SCHEDULE V. (a) Schedule V shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section.

(b) Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drugs and their salts, as set forth below.

(c) Narcotic drugs containing nonnarcotic active medicinal ingredients. Any compound, mixture, or preparation containing any of the following limited quantities of narcotic drugs or salts thereof, which shall include one (1) or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation, valuable medicinal qualities other than those possessed by the narcotic drug alone:

- (1) Not more than 200 milligrams of codeine per 100 milliliters or per 100 grams;
- (2) Not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams;
- (3) Not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams;
- (4) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit;
- (5) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams;
- (6) Not more than 0.5 milligrams difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.

(d) Other substances. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances, including its salts:

- (1) Brivaracetam ((2S)-2-[(4R)-2-oxo-4-propylpyrrolidin-1-yl]butanamide) (also referred to as BRV; UCB-34714; Briviact) (including its salts);
- (2) Ezogabine [N-[2-amino-4-(4-fluorobenzylamino)-phenyl]-carbamic acid ethyl ester]-2779;

- (23) Lacosamide;
- (34) Pregabalin;
- ~~(4) Propylhexedrine (except as Benzedrex™ inhaler);~~
- (5) Pyrovalerone.

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 February 13, 2017

CHAPTER 5
(H.B. No. 26)

AN ACT

RELATING TO TAXES; AMENDING SECTION 63-3004, IDAHO CODE, TO UPDATE A REFERENCE TO THE INTERNAL REVENUE CODE; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

SECTION 1. That Section 63-3004, Idaho Code, be, and the same is hereby amended to read as follows:

63-3004. INTERNAL REVENUE CODE. (a) The term "Internal Revenue Code" means the Internal Revenue Code of 1986 of the United States, as amended, and in effect on the first day of January 2016~~7~~.

(b) Provisions of the Internal Revenue Code amended, deleted, or added prior to the effective date of the latest amendment to this section shall be applicable for Idaho income tax purposes on the effective date provided for such amendments, deletions, or additions, including retroactive provisions.

(c) For all purposes of the Idaho income tax act, a marriage must be one that is considered valid or recognized under section 28, article III, of the constitution of the state of Idaho and defined in section 32-201, Idaho Code, or as recognized under section 32-209, Idaho Code.

(d) Notwithstanding subsection (c) of this section, marriages recognized and permitted by the United States supreme court and the ninth circuit court of appeals shall also be recognized for purposes of the Idaho income tax 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 its passage and approval, and retroactively to January 1, 2017.

Approved February 13, 2017

CHAPTER 6
(H.B. No. 47)

AN ACT

RELATING TO THE APPROPRIATION TO THE OFFICE OF ENERGY RESOURCES FOR FISCAL YEAR 2017; APPROPRIATING ADDITIONAL MONEYS TO THE OFFICE OF ENERGY RESOURCES FOR FISCAL YEAR 2017; REDUCING THE APPROPRIATION TO THE OFFICE OF ENERGY RESOURCES FOR FISCAL YEAR 2017; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to the appropriation made in Section 1, Chapter 235, Laws of 2016, and any other appropriation provided for by law, there is hereby appropriated \$50,000 from the Petroleum Price Violation Fund to the Office of Energy Resources, to be expended for personnel costs, for the period July 1, 2016, through June 30, 2017.

SECTION 2. Notwithstanding any other provision of law to the contrary, the appropriation made to the Office of Energy Resources in Section 1, Chapter 235, Laws of 2016, from the Petroleum Price Violation Fund, is hereby reduced by \$50,000 for operating expenditures, for the period July 1, 2016, through June 30, 2017.

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 February 13, 2017

CHAPTER 7
(H.B. No. 48)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE PUBLIC UTILITIES COMMISSION FOR FISCAL YEAR 2017; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to the appropriation made in Section 1, Chapter 232, Laws of 2016, and any other appropriation provided for by law, there is hereby appropriated \$100,000 from the Indirect Cost Recovery Fund to the Public Utilities Commission, to be expended for operating expenditures, for the period July 1, 2016, through June 30, 2017.

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 February 13, 2017

CHAPTER 8
(H.B. No. 49)

AN ACT

PROVIDING AN APPROPRIATION AND A TRANSFER OF FUNDS TO THE HAZARDOUS SUBSTANCE EMERGENCY RESPONSE FUND; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated and the State Controller shall transfer \$38,400 from the General Fund to the Hazardous Substance Emergency Response Fund as soon as practicable. Such moneys shall be used to reimburse costs incurred by the Idaho Office of Emergency Management in the Military Division pursuant to Section 39-7110, 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 February 13, 2017

CHAPTER 9
(S.B. No. 1036)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE IDAHO TRANSPORTATION DEPARTMENT FROM THE STRATEGIC INITIATIVES PROGRAM FUND FOR FISCAL YEAR 2017; APPROPRIATING ADDITIONAL MONEYS TO THE IDAHO TRANSPORTATION DEPARTMENT FOR FISCAL YEAR 2017; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to the appropriation made in Section 2, Chapter 318, Laws of 2016, and any other appropriation provided for by law, there is hereby appropriated \$10,965,600 from the Strategic Initiatives Program Fund to the Idaho Transportation Department for the Contract Construction and Right-of-Way Acquisition Program, to be expended for capital outlay, for the period July 1, 2016, through June 30, 2017.

SECTION 2. In addition to the appropriation made in Section 2, Chapter 318, Laws of 2016, and any other appropriation provided for by law, there is hereby appropriated to the Idaho Transportation Department for the Contract Construction and Right-of-Way Acquisition Program, the following amounts to be expended for capital outlay, from the listed funds for the period July 1, 2016, through June 30, 2017:

FROM:

State Highway (Dedicated) Fund	\$1,072,400
State Highway (Local) Fund	1,199,100
State Highway (Federal) Fund	<u>11,523,800</u>
TOTAL	\$13,795,300

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 its passage and approval.

Approved February 16, 2017

CHAPTER 10
(S.B. No. 1022)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE DIVISION OF VOCATIONAL REHABILITATION FOR FISCAL YEAR 2017; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to the appropriation made in Section 1, Chapter 216, Laws of 2016, and any other appropriation provided for by law, there is hereby appropriated \$3,000 from the Miscellaneous Revenue Fund to the Division of Vocational Rehabilitation for the Council for the Deaf and Hard of Hearing, to be expended for operating expenditures, for the period July 1, 2016, through June 30, 2017.

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 February 16, 2017

CHAPTER 11
(S.B. No. 1021)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC DEFENSE COMMISSION FOR FISCAL YEAR 2017; APPROPRIATING ADDITIONAL MONEYS TO THE PUBLIC DEFENSE COMMISSION FOR FISCAL YEAR 2017; REDUCING THE APPROPRIATION TO THE PUBLIC DEFENSE COMMISSION FOR FISCAL YEAR 2017; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to the appropriation made in Section 1, Chapter 249, Laws of 2016, and any other appropriation provided for by law, there is hereby appropriated \$100,000 from the General Fund to the Public Defense Commission, to be expended for operating expenditures, for the period July 1, 2016, through June 30, 2017.

SECTION 2. Notwithstanding any other provision of law to the contrary, the appropriation made to the Public Defense Commission in Section 1, Chapter 249, Laws of 2016, from the General Fund, is hereby reduced by \$100,000 for trustee and benefit payments, for the period July 1, 2016, through June 30, 2017.

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 February 16, 2017

CHAPTER 12
(S.B. No. 1020)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE SECRETARY OF STATE FOR FISCAL YEAR 2017; AUTHORIZING ADDITIONAL FULL-TIME EQUIVALENT POSITIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to the appropriation made in Section 1, Chapter 242, Laws of 2016, and any other appropriation provided for by law, there is hereby appropriated from the General Fund to the Secretary of State, the following amounts to be expended for the designated expense classes, for the period July 1, 2016, through June 30, 2017:

FOR:

Personnel Costs	\$39,400
Operating Expenditures	<u>2,182,800</u>
TOTAL	\$2,222,200

SECTION 2. FTP AUTHORIZATION. The full-time equivalent position authorization provided to the Secretary of State in Section 2, Chapter 242, Laws of 2016, is increased by one (1) for the period July 1, 2016, through June 30, 2017.

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 February 16, 2017

CHAPTER 13
(H.B. No. 50)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE IDAHO STATE HISTORICAL SOCIETY FOR FISCAL YEAR 2017; PROVIDING REAPPROPRIATION AUTHORITY; PROVIDING LEGISLATIVE INTENT; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to the appropriation made in Section 1, Chapter 310, Laws of 2016, and any other appropriation provided for by law, there is hereby appropriated \$1,000,000 from the General Fund to the Idaho State Historical Society, to be expended for operating expenditures, for the period July 1, 2016, through June 30, 2017.

SECTION 2. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Idaho State Historical Society any unexpended and unencumbered balances appropriated or reappropriated in Section 1 of this act for fiscal year 2017, to be used for nonrecurring expenditures for the period July 1, 2017, through June 30, 2018.

SECTION 3. LEGISLATIVE INTENT. It is the intent of the Legislature that the funds authorized in Section 1 of this act be used to complete the state contract to develop and install museum exhibits in the newly renovated and expanded state historical museum. Receipts of any donation to the agency in excess of what is necessary to fund the museum exhibits shall be deposited into the General Fund. Any federal grants received to support the development of the museum exhibits in fiscal year 2017 or fiscal year 2018 shall also be spent or drawn down before using the funds authorized in Section 1 of this act. If the agency determines that a portion of the General Fund appropriation is available to be reverted prior to June 30, 2018, it shall notify the Office of the State Controller, and the State Controller is hereby authorized to revert such amounts back to the General 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 its passage and approval.

Approved February 16, 2017

CHAPTER 14
(H.B. No. 31)

AN ACT

RELATING TO PROPERTY TAX RELIEF; AMENDING SECTION 63-701, IDAHO CODE, TO EXCLUDE NONTAXABLE ROTH INDIVIDUAL RETIREMENT ACCOUNT DISTRIBUTIONS FROM THE INCOME CALCULATION FOR PROPERTY TAX RELIEF ELIGIBILITY AND TO MAKE TECHNICAL CORRECTIONS; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

SECTION 1. That Section 63-701, Idaho Code, be, and the same is hereby amended to read as follows:

63-701. DEFINITIONS. As used in this chapter:

(1) "Claimant" means a person who has filed an application under section 63-602G, Idaho Code, and has filed a claim under the provisions of sections 63-701 through 63-710, Idaho Code. Except as provided in section 63-702(2), Idaho Code, on January 1⁷ or before April 15⁷ of the year in which the claimant first filed a claim on the homestead in question, a claimant must be an owner of the homestead and on January 1 of said year a claimant must be:

- (a) Not less than sixty-five (65) years old; or
- (b) A child under the age of eighteen (18) years who is fatherless or motherless or who has been abandoned by any surviving parent or parents; or
- (c) A widow or widower; or
- (d) A disabled person who is recognized as disabled by the social security administration pursuant to title 42 of the United States Code, or by the railroad retirement board pursuant to title 45 of the United States Code, or by the office of management and budget pursuant to title

5 of the United States Code, or, if a person is not within the purview of, and is therefore not recognized as disabled by, any other entity listed in this paragraph, then by the public employee retirement system or public employee disability plan in which the person participates that may be of any state, local unit of government or other jurisdiction in the United States of America; or

(e) A disabled veteran of any war engaged in by the United States, whose disability is recognized as a service-connected disability of a degree of ten percent (10%) or more, or who has a pension for nonservice-connected disabilities, in accordance with laws and regulations administered by the United States department of veterans affairs; or

(f) A person, as specified in 42 U.S.C. 1701, who was or is entitled to receive benefits because he is known to have been taken by a hostile force as a prisoner, hostage or otherwise; or

(g) Blind.

(2) "Homestead" means the dwelling, owner-occupied by the claimant as described in this chapter and used as the primary dwelling place of the claimant and may be occupied by any members of the household as their home, and so much of the land surrounding it, not exceeding one (1) acre, as is reasonably necessary for the use of the dwelling as a home. It may consist of a part of a multidwelling or multipurpose building and part of the land upon which it is built. "Homestead" does not include personal property such as furniture, furnishings or appliances, but a manufactured home may be a homestead.

(3) "Household" means the claimant and the claimant's spouse. The term does not include bona fide lessees, tenants, or roomers and boarders on contract. "Household" includes persons described in subsection (8) (b) of this section.

(4) "Household income" means all income received by the claimant and, if married, all income received by the claimant's spouse, in a calendar year.

(5) "Income" means the sum of federal adjusted gross income as defined in the Internal Revenue Code, as defined in section 63-3004, Idaho Code, and to the extent not already included in federal adjusted gross income:

(a) Alimony;

(b) Support money;

(c) Nontaxable strike benefits;

(d) The nontaxable amount of any individual retirement account, pension or annuity, ~~(including railroad retirement benefits, all payments received under the federal social security act except the social security death benefit as specified in this subsection, state unemployment insurance laws, and veterans disability pensions and compensation, excluding any return of principal paid by the recipient of an annuity and excluding rollovers as provided in section 26 U.S.C. 402 or 403 of the Internal Revenue Code)~~, and excluding the nontaxable portion of a Roth individual retirement account distribution, as provided in 26 U.S.C. 408A;

(e) Nontaxable interest received from the federal government or any of its instrumentalities or a state government or any of its instrumentalities;

(f) Worker's compensation; and

(g) The gross amount of loss of earnings insurance.

It does not include gifts from nongovernmental sources or inheritances. To the extent not reimbursed, the cost of medical care as defined in section 213(d) of the Internal Revenue Code, incurred or paid by the claimant and, if married, the claimant's spouse, may be deducted from income. To the extent not reimbursed, personal funeral expenses, including prepaid funeral expenses and premiums on funeral insurance, of the claimant and claimant's spouse only, may be deducted from income up to an annual maximum of five thousand dollars (\$5,000) per claim. "Income" does not include veterans

disability pensions received by a person described in subsection (1) (e) of this section who is a claimant or a claimant's spouse if the disability pension is received pursuant to a service-connected disability of a degree of forty percent (40%) or more. "Income" does not include dependency and indemnity compensation or death benefits paid to a person described in subsection (1) of this section by the United States department of veterans affairs and arising from a service-connected death or disability. "Income" does not include lump sum death benefits made by the social security administration pursuant to 42 U.S.C. section 402(i). Documentation of medical expenses may be required by the county assessor and state tax commission in such form as the county assessor or state tax commission shall determine. "Income" shall be that received in the calendar year immediately preceding the year in which a claim is filed. Where a claimant and/or the claimant's spouse does not file a federal tax return, the claimant's and/or the claimant's spouse's federal adjusted gross income, for purposes of this section, shall be an income equivalent to federal adjusted gross income had the claimant and/or the claimant's spouse filed a federal tax return, as determined by the county assessor. The county assessor or state tax commission may require documentation of income in such form as each shall determine, including, but not limited to: copies of federal or state tax returns and any attachments thereto; and income reporting forms such as the W-2 and 1099.

For determining income for certain married individuals living apart, the provisions of sections 2(c) and 7703(b) of the Internal Revenue Code shall apply.

(6) "Occupied" means actual use and possession.

(7) "Owner" means a person holding title in fee simple or holding a certificate of motor vehicle title (either of which may be subject to mortgage, deed of trust or other lien) or who has retained or been granted a life estate or who is a person entitled to file a claim under section 63-702, Idaho Code. "Owner" shall also include any person who:

(a) Is the beneficiary of a revocable or irrevocable trust which is the owner of such homestead and under which the claimant or the claimant's spouse has the primary right of occupancy of the homestead; or

(b) Is a partner of a limited partnership, member of a limited liability company or shareholder of a corporation if such entity holds title in fee simple or holds a certificate of motor vehicle title and if the person holds at least a five percent (5%) ownership in such entity, as determined by the county assessor; or

(c) Has retained or been granted a life estate.

"Owner" includes a vendee in possession under a land sale contract. Any partial ownership shall be considered as ownership for determining initial qualification for property tax reduction benefits; however, the amount of property tax reduction under section 63-704, Idaho Code, and rules promulgated pursuant to section 63-705, Idaho Code, shall be computed on the value of the claimant's partial ownership. "Partial ownership," for the purposes of this section, means any one (1) person's ownership when property is owned by more than one (1) person or where the homestead is held by an entity, as set forth in this subsection, but more than one (1) person has the right of occupancy of such homestead. A person holding either partial title in fee simple or holding a certificate of motor vehicle title together with another person, but who does not occupy the dwelling as his primary dwelling place, shall not be considered an owner for purposes of this section, if such person is a cosignatory of a note secured by the dwelling in question and at least one (1) of the other cosignatories of the note occupies the dwelling as his primary dwelling place. The combined community property interests of both spouses shall not be considered partial ownership so long as the combined community property interests constitute the entire ownership of the homestead, including where the spouses are occupying a homestead owned by an entity, as set forth in this subsection, and the spouses have the

primary right of occupancy of the homestead. The proportional reduction required under this subsection shall not apply to community property interests. Where title to property was held by a person who has died without timely filing a claim for property tax reduction, the estate of the deceased person shall be the "owner," provided that the time periods during which the deceased person held such title shall be attributed to the estate for the computation of any time periods under subsection (8) (a) or ~~(8)~~(b) of this section.

(8) (a) "Primary dwelling place" means the claimant's dwelling place on January 1 or before April 15 of the year for which the claim is made. The primary dwelling place is the single place where a claimant has his true, fixed and permanent home and principal establishment, and to which whenever the individual is absent he has the intention of returning. A claimant must establish the dwelling to which the claim relates to be his primary dwelling place by clear and convincing evidence or by establishing that the dwelling is where the claimant resided on January 1 or before April 15 and:

(i) At least six (6) months during the prior year; or

(ii) The majority of the time the claimant owned the dwelling if owned by the claimant less than one (1) year; or

(iii) The majority of the time after the claimant first occupied the dwelling if occupied by the claimant for less than one (1) year. The county assessor may require written or other proof of the foregoing in such form as the county assessor may determine.

(b) Notwithstanding the provisions of paragraph (a) of this subsection, the property upon which the claimant makes application shall be deemed to be the claimant's primary dwelling place if the claimant is otherwise qualified and resides in a care facility and does not allow the property upon which the claimant has made application to be occupied by persons paying a consideration to occupy the dwelling. Payment of utilities shall not be payment of a consideration to occupy the dwelling. A claimant's spouse who resides in a care facility shall be deemed to reside at the claimant's primary dwelling place and to be a part of the claimant's household. A care facility is a hospital, nursing facility or intermediate care facility for people with intellectual disabilities as defined in section 39-1301, Idaho Code, or a facility as defined in section 39-3302(14), Idaho Code, or a dwelling other than the one upon which the applicant makes application where a claimant who is unable to reside in the dwelling upon which the application is made lives and receives help in daily living, protection and security.

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, 2017.

Approved February 16, 2017

CHAPTER 15
(H.B. No. 30)

AN ACT

RELATING TO ELECTRIC UTILITIES; AMENDING SECTION 63-205B, IDAHO CODE, TO SPECIFY A MARKET DISCOUNT RATE IN DETERMINING THE VALUATION OF OPERATING PROPERTY OF RATE-REGULATED ELECTRIC UTILITY COMPANIES FOR ASSESSMENT PURPOSES AND TO MAKE TECHNICAL CORRECTIONS; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

SECTION 1. That Section 63-205B, Idaho Code, be, and the same is hereby amended to read as follows:

63-205B. ASSESSMENT OF OPERATING PROPERTY OF RATE-REGULATED ELECTRIC UTILITY COMPANIES. (1) In the assessment of the operating property of rate-regulated electric utility companies, the market value shall be determined by the state tax commission by applying applicable law, statutes, property tax administrative rules and the following criteria:

(a) Depending on the weighting placed on the income approach, as described in ~~subsection (1) paragraph~~ (d) of this subsection, no more than twenty percent (20%) weight shall be placed on the cost indicator when utilizing the historic cost less depreciation (HCLD) method in the system value correlation.

(b) In the income approach, income to be capitalized will be normalized, utilizing the gross domestic product implicit price deflator from the United States department of commerce, bureau of economic analysis, by using an average of at least the previous four (4) years' net operating incomes and by adjusting each year's net operating income for unusual nonrecurring items.

(c) In the income approach, a market discount rate will be determined, and ~~will include to that rate a flotation cost component supported by nationally recognized sources of twenty hundredths of one percent (0.20%) will be added.~~

(d) A weighting between eighty percent (80%) and one hundred percent (100%) will be placed on the income approach in the system value correlation.

(e) Within the market approach, a sales comparison approach may be used if reliable data is available and appropriate comparison adjustments can be made. No weight will be placed on a stock and debt approach in the system value correlation.

(f) For rate-regulated electric utility companies, the weightings prescribed in this section shall control the weightings used in the system correlation or reconciliation.

(2) Subsection (1) (a) of this section shall be construed to mean that the use of no more than twenty percent (20%) weight placed on the cost indicator, when utilizing the HCLD method to calculate the cost approach, accounts for any and all forms of depreciation, including any and all forms of obsolescence, and the appraiser shall not consider any further obsolescence.

(3) The state tax commission is hereby authorized to promulgate rules 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 its passage and approval, and retroactively to January 1, 2017.

Approved February 16, 2017

CHAPTER 16
(H.B. No. 29)

AN ACT

RELATING TO TAXES; AMENDING SECTION 63-3024A, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE REGARDING PAST GROCERY TAX CREDIT INCREASES, TO ESTABLISH THE AMOUNT OF THE GROCERY TAX CREDIT AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 63-3024A, Idaho Code, be, and the same is hereby amended to read as follows:

63-3024A. FOOD TAX CREDITS AND REFUNDS. (1) Any resident individual who is required to file and who has filed an Idaho income tax return shall be allowed a credit against taxes due under the Idaho income tax act for each personal exemption for which a deduction is permitted by section 151(b) and (c) of the Internal Revenue Code, and which is claimed on the taxpayer's Idaho income tax return. The amount of the credit for tax year 2008 shall be as follows:

When Idaho taxable income is:	The rate is:
\$1,000 or less	\$50.00
Over \$1,000	\$30.00

~~Subject to the limitations provided in subsections (13) and (14) of this section,~~ The credits allowed in this subsection shall be increased by ten dollars (\$10.00) in each tax year after tax year 2008 until such time as each credit equals one hundred dollars (\$100). For tax years 2015 and after, the credit is one hundred dollars (\$100).

If taxes due are less than the total credit allowed, the taxpayer shall be paid a refund equal to the balance of the unused credit.

(2) A resident individual who is not required to file an Idaho income tax return and for whom no credit or refund is allowed under any other subsection of this section shall, subject to the limitations of subsections (3), (4), (5), (6), (7) and (8) of this section, be entitled to a refund in the amount provided in subsection (1) of this section.

(3) A resident individual who has reached his sixty-fifth birthday before the end of his taxable year and who has claimed the credit available under subsection (1) of this section, in addition to the amount of credit or refund due under subsection (1) of this section, shall be entitled to twenty dollars (\$20.00), which shall be claimed as a credit against any taxes due under the Idaho income tax act. If taxes due are less than the total credit allowed, the individual shall be paid a refund equal to the balance of the unused credit.

(4) Except as provided in subsection (9) of this section, a credit or refund under this section is only available if the individual for whom a personal exemption is claimed is a resident of the state of Idaho.

(5) In no event shall more than one (1) taxpayer be allowed a credit or refund for the same personal exemption, or under more than one (1) subsection of this section.

(6) In the event that a credit or refund is attributable to any individual for whom assistance under the federal food stamp program was received for any month or part of a month during the taxable year for which the credit or refund is claimed, the credit or refund allowed under this section shall be in proportion to the number of months of the year in which no assistance was received.

(7) In the event that a credit or refund is attributable to any individual who has been incarcerated for any month or part of a month during the taxable year for which the credit or refund is claimed, the credit or refund allowed under this section shall be in proportion to the number of months of the year in which the individual was not incarcerated.

(8) No credit or refund shall be paid that is attributable to an individual residing illegally in the United States.

(9) Any part-year resident entitled to a credit under this section shall receive a proportionate credit reflecting the part of the year in which he was domiciled in this state.

(10) Any refund shall be paid to such individual only upon his making application therefor, at such time and in such manner as may be prescribed by the state tax commission. The state tax commission shall prescribe the method by which the refund is to be made to the taxpayer. The refunds authorized by this section shall be paid from the state refund fund in the same manner as the refunds authorized by section 63-3067, Idaho Code.

(11) An application for any refund that is due and payable under the provisions of this section must be filed with the state tax commission within three (3) years of:

(a) The due date, including extensions, of the return required under section 63-3030, Idaho Code, if the applicant is required to file a return; or

(b) The fifteenth day of April of the year following the year to which the application relates if the applicant is not required to file a return.

(12) The state tax commission shall provide income tax payers with the irrevocable option of donating credited funds accruing pursuant to this section. Any funds so donated shall be remitted from the refund fund to the cooperative welfare fund, created pursuant to section 56-401, Idaho Code, and shall be used solely for the purpose of providing low-income Idahoans with assistance in paying home energy costs.

~~(13) The credit adjustment required by subsection (1) of this section shall not take place if a majority of the membership of each house of the legislature adopts a concurrent resolution requesting that the governor issue an executive order directing the state tax commission that the credit allowed in this section remain unchanged for the tax year in which the requesting legislature is meeting, and if the governor concurs and issues such an executive order, the credit shall remain unchanged for that tax year.~~

~~(14) The credit adjustment required by subsection (1) of this section for tax years subsequent to tax year 2008 shall not take place if all of the following conditions are met:~~

~~(a) The governor has ordered a temporary reduction of general fund spending authority, pursuant to section 67-3512A, Idaho Code, between July 1 and October 1 of the tax year for which the credit adjustment is to take place; and~~

~~(b) The temporary reduction of general fund spending authority is still in effect on October 1 of the tax year for which the credit adjustment is to take place; and~~

~~(c) The amount of the temporary reduction in general fund spending authority equals or exceeds one percent (1%) of the moneys that the legislature has appropriated from the general fund for the fiscal year for which the temporary reductions have been ordered; and~~

~~(d) The governor issues an executive order directing the state tax commission that the credit allowed by subsection (1) of this section remain unchanged for the tax year during which the temporary reduction of general fund spending authority has been ordered and the executive order issued.~~

Approved February 16, 2017

CHAPTER 17
(H.B. No. 25)

AN ACT

RELATING TO TOBACCO PERMITS; AMENDING SECTION 63-2555, IDAHO CODE, TO REVISE LANGUAGE REGARDING THE REGISTRATION CERTIFICATE OF A TOBACCO DISTRIBUTOR AND TO MAKE A TECHNICAL CORRECTION.

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

SECTION 1. That Section 63-2555, Idaho Code, be, and the same is hereby amended to read as follows:

63-2555. BOOKS AND RECORDS TO BE PRESERVED -- ENTRY AND INSPECTION BY COMMISSION. Every distributor shall keep at each registered place of business complete and accurate records for that place of business, including itemized invoices, of tobacco products held, purchased, manufactured, brought in or caused to be brought in from without the state, or shipped or transported to retailers in this state, and of all sales of tobacco products made, except sales to the ultimate consumer.

These records shall show the names and addresses of purchasers, the inventory of all tobacco products on hand on July 1, 1972, and other pertinent papers and documents relating to the purchase, sale or disposition of tobacco products.

When a registered distributor sells tobacco products exclusively to the ultimate consumer at the address given in the certificate, no invoice of those sales shall be required, but itemized invoices shall be made of all tobacco products transferred to other retail outlets owned or controlled by that registered distributor. All books, records, and other papers and documents required by this section to be kept shall be preserved for a period of at least five (5) years after the date of the documents, as aforesaid, or the date of the entries thereof appearing in the records, unless the commission, in writing, authorizes their destruction or disposal at an earlier date. At any time during usual business hours, the commission, or its duly authorized agents or employees, may enter any place of business of a distributor, without a search warrant, and inspect the premises, the records required to be kept under this chapter, and the tobacco products contained therein, to determine whether or not all the provisions of this chapter are being fully complied with. If the commission, or any of its agents or employees, is denied free access or is hindered or interfered with in making such examination, the registration certificate permit of the distributor at such premises shall be subject to revocation by the commission.

Approved February 16, 2017

CHAPTER 18
(H.B. No. 24)

AN ACT

RELATING TO TAXES; AMENDING SECTION 63-3045, IDAHO CODE, TO ESTABLISH AN INDEPENDENT APPEALS PROCESS, TO REVISE PROCEDURES FOLLOWING A PROTEST AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 63-3045B, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; DECLARING AN EMERGENCY AND PROVIDING APPLICATION.

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

SECTION 1. That Section 63-3045, Idaho Code, be, and the same is hereby amended to read as follows:

63-3045. NOTICE OF REDETERMINATION OR DEFICIENCY -- INTEREST.

(1) (a) If, in the case of any taxpayer, the state tax commission determines that there is a deficiency in respect of the tax imposed by this title, the state tax commission shall, immediately upon discovery thereof, send notice of such deficiency to the taxpayer by first class mail or by other commercial delivery service providing proof of delivery, whichever is the most cost efficient. The notice shall be sent to the taxpayer's last address known to the state tax commission. The notice of deficiency shall be accompanied by an explanation of the specific reason for the determination and an explanation of the taxpayer's right to appeal. Within sixty-three (63) days after such notice is mailed, the taxpayer may, at his option, file a protest in writing with the state tax commission and obtain redetermination of the deficiency.

(b) If the taxpayer files a protest with the state tax commission within the period set forth in subsection (1) paragraph (a) of this subsection, and such protest does not comply with the rules of the state tax commission and is therefore inadequate to perfect the taxpayer's right to a redetermination of the deficiency determination, then, the state tax commission shall notify the taxpayer, in the same manner as set forth in subsection (1) paragraph (a) of this subsection, of such inadequacies, setting forth in said notice the corrective action to be taken by the taxpayer to perfect his protest. The taxpayer shall thereafter have twenty-eight (28) days from the date of said notice to perfect his protest.

(c) No assessment of a deficiency in respect to the tax imposed by this chapter, and no distraint or proceedings in court for its collection, shall be made, begun, or prosecuted until such notice has been mailed to the taxpayer, nor until all appeal rights relating to the deficiency have become final.

(2) (a) Following a protest, the taxpayer has the right to an independent administrative redetermination of the originating division's determination before the state tax commission, including a hearing. The purpose of the hearing is to discuss the deficiency determination and the taxpayer's protest with a commissioner or duly authorized representative of the commission. The meeting shall be held informally and evidence shall be freely admitted regardless of the rules of evidence.

(b) Tax commission staff assigned to the administrative redetermination may not engage in communications relating to the taxpayer's protest with employees of the originating division without first providing the taxpayer the opportunity to participate, except for questions that involve ministerial, administrative or procedural matters that do not address the substance of the issues or positions taken in the case or as otherwise allowed under title 63, Idaho Code, and the rules

promulgated thereunder. The state tax commission shall promulgate rules governing communications with the originating division to ensure an independent review process. The provisions of this subsection do not create a substantive right affecting the taxpayer's tax liability or the state tax commission's ability to determine, assess or collect that tax liability, including statutory interest and any penalties, if applicable.

(3) Any hearing conducted under the provisions of this section may be conducted, in whole or in part, by telephone, television, or other electronic means, if each participant in the hearing has an opportunity to participate in the entire proceeding while it is taking place.

(4) A taxpayer has the right to be represented by, or be accompanied by, any person of his choice in any proceeding before the tax commission. If the taxpayer is not present at a proceeding, the representative of that taxpayer must be designated in writing by the taxpayer as shall be prescribed in administrative rules or in any manner acceptable to the tax commission.

(5) If the taxpayer does not file a protest with the state tax commission within the time prescribed in subsection (1)(a) of this section, the deficiency shall be assessed and shall become due and payable upon notice and demand from the state tax commission.

(6) (a) Interest shall apply to deficiencies in tax and refunds of tax. Interest shall not apply to any penalty or to unpaid accrued interest. Interest relating to deficiencies or refunds accruing after the original due date of the return, but not including extensions of the due date, shall be computed on the net of any underpayments and overpayments of a tax liability required to be shown as due on the same return.

(b) Interest upon any deficiency shall be assessed at the same time as the deficiency, shall be due and payable upon notice and demand from the state tax commission and shall be collected as a part of the tax at the rate per annum determined under the provisions of ~~subsection (6) paragraph~~ (c) of this subsection from the date prescribed for the payment of the tax. In the event any of the deficiency is reduced by reason of a carryback of a net operating loss or a capital loss carryback, such reduction in deficiency shall not affect the computation of interest under this subsection for the period ending with the last day of the taxable year in which the net operating loss or capital loss arises.

(c) The rate of interest accruing during any calendar year, or portion thereof, upon any deficiency, or payable upon an overpayment or refund, shall be two percent (2%) plus the rate determined under section 1274(d), Internal Revenue Code, by the secretary of the treasury of the United States as the midterm federal rate as it applies on September 15 of the immediately preceding calendar year rounded to the nearest whole number.

(7) When the time provisions contained in this section conflict with the provisions of section 63-4208, Idaho Code, relating to the assessment of taxes on illegal possession of controlled substances, the provisions of section 63-4208, Idaho Code, shall prevail.

SECTION 2. That Section 63-3045B, Idaho Code, be, and the same is hereby amended to read as follows:

63-3045B. FINAL DECISIONS OF THE COMMISSION. (1) If a taxpayer does not file a protest within the sixty-three (63) day period allowed, the notice of deficiency of the tax commission becomes final on the day following the end of the protest period.

(2) If a taxpayer files a protest, but does not perfect the protest, request a hearing, or does not submit additional evidence or documentation, or does not request additional time in which to respond, the notice of deficiency of the tax commission becomes final on the twenty-ninth day following

the date the tax commission notified the taxpayer that the protest was not perfected, except that the tax commission may reduce the amount of the deficiency during the twenty-nine (29) day period.

(3) When a perfected protest has been filed, the state tax commission shall, within fourteen (14) days thereof, provide the taxpayer with a written acknowledgement ~~acknowledgment~~ of the protest. After the ~~acknowledgement~~ ~~acknowledgment~~, a final decision of the tax commission must be rendered within one hundred eighty (180) days from either:

(a) A request in writing, in a form prescribed by rules of the tax commission, from the taxpayer for a final decision on that issue; if the taxpayer requests such a decision, the tax commission may refuse to accept additional evidence or documentation or refuse to allow an appearance at any proceeding with the commission or any representative of the commission during such one hundred eighty (180) day period; ~~or~~

(b) The conclusion of any hearing pursuant to section 63-3045(2)(a), Idaho Code, and the taxpayer has not requested or received any extension of time to present additional evidence or testimony.

(4) A final decision may be held in abeyance, notwithstanding the requirements of subsection (3) of this section, with the prior approval in writing of the taxpayer.

(5) If a final decision of the tax commission is not rendered or the protest is not resolved by compromise, consent or withdrawal of the notice of deficiency determination within the time limits established by subsection (3) of this section, the notice of deficiency shall be null and void ab initio, with prejudice.

(6) A final decision of the tax commission shall be issued in writing and mailed or served upon the taxpayer within the time limits set forth herein. The final written decision of the tax commission shall, one hundred twenty (120) days after the date of the final written decision, be available for public inspection and copying pursuant to the provisions of section 74-102, Idaho Code, except:

(a) The taxpayer's name, address, taxpayer identification number, social security number, permit number, or other identifying information shall be removed from the final written decision of the tax commission that is made available to the public; and

(b) Any proprietary or other identifying information contained in the written decision that the taxpayer requests be excised shall be excised by the tax commission in the final written decision made available to the public. The taxpayer must make such request in writing before ninety-one (91) days have elapsed after the date of the final decision.

(7) The tax commission shall label each written decision with a unique identification number and shall keep a list containing each decision number and the date of issuance, as excised in accordance with the provisions of this section. A decision shall serve as precedent for the tax commission in future protest determinations unless information excised, court decisions, changes in the Idaho Code, or changes in applicable administrative rules overrule, supersede, modify, distinguish, or otherwise make inapplicable the written decision of the tax commission.

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, and shall apply to protests received on or after July 1, 2017.

CHAPTER 19
(H.B. No. 23)

AN ACT

RELATING TO TAXES; AMENDING SECTION 63-3045, IDAHO CODE, TO PROVIDE FOR A TAXPAYER'S RIGHTS FOLLOWING A PERFECTED PROTEST AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 63-3045B, IDAHO CODE, TO CLARIFY THE CIRCUMSTANCES UNDER WHICH A NOTICE OF DEFICIENCY BECOMES FINAL AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 14-532, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE 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 63-3045, Idaho Code, be, and the same is hereby amended to read as follows:

63-3045. NOTICE OF REDETERMINATION OR DEFICIENCY -- INTEREST.

- (1) (a) If, in the case of any taxpayer, the state tax commission determines that there is a deficiency in respect of the tax imposed by this title, the state tax commission shall, immediately upon discovery thereof, send notice of such deficiency to the taxpayer by first class mail or by other commercial delivery service providing proof of delivery, whichever is the most cost efficient. The notice shall be sent to the taxpayer's last address known to the state tax commission. The notice of deficiency shall be accompanied by an explanation of the specific reason for the determination and an explanation of the taxpayer's right to appeal. Within sixty-three (63) days after such notice is mailed, the taxpayer may, at his option, file a protest in writing with the state tax commission and obtain redetermination of the deficiency.
- (b) If the taxpayer files a protest with the state tax commission within the period set forth in subsection (1) paragraph (a) of this subsection, and such protest does not comply with the rules of the state tax commission and is therefore inadequate to perfect the taxpayer's right to a redetermination of the deficiency determination, then, the state tax commission shall notify the taxpayer, in the same manner as set forth in subsection (1) paragraph (a) of this subsection, of such inadequacies, setting forth in said notice the corrective action to be taken by the taxpayer to perfect his protest. The taxpayer shall thereafter have twenty-eight (28) days from the date of said notice to perfect his protest.
- (c) No assessment of a deficiency in respect to the tax imposed by this chapter, and no distraint or proceedings in court for its collection, shall be made, begun, or prosecuted until such notice has been mailed to the taxpayer, nor until all appeal rights relating to the deficiency have become final.
- (2) Following a perfected protest, the taxpayer has the right to a hearing. The purpose of the hearing is to discuss the deficiency determination and the taxpayer's protest with a commissioner or duly authorized representative of the commission. The meeting shall be held informally and evidence shall be freely admitted regardless of the rules of evidence.
- (3) Any hearing conducted under the provisions of this section may be conducted, in whole or in part, by telephone, television, or other electronic means, if each participant in the hearing has an opportunity to participate in the entire proceeding while it is taking place.
- (4) A taxpayer has the right to be represented by, or be accompanied by, any person of his choice in any proceeding before the tax commission. If the taxpayer is not present at a proceeding, the representative of that taxpayer

must be designated in writing by the taxpayer as shall be prescribed in administrative rules or in any manner acceptable to the tax commission.

(5) Following a perfected protest, the taxpayer may submit additional evidence or documentation during the redetermination process subject to the provisions of section 63-3045B(3) (a), Idaho Code.

(6) If the taxpayer does not file a protest with the state tax commission within the time prescribed in subsection (1) (a) of this section, the deficiency shall be assessed and shall become due and payable upon notice and demand from the state tax commission.

(67) (a) Interest shall apply to deficiencies in tax and refunds of tax. Interest shall not apply to any penalty or to unpaid accrued interest. Interest relating to deficiencies or refunds accruing after the original due date of the return, but not including extensions of the due date, shall be computed on the net of any underpayments and overpayments of a tax liability required to be shown as due on the same return.

(b) Interest upon any deficiency shall be assessed at the same time as the deficiency, shall be due and payable upon notice and demand from the state tax commission and shall be collected as a part of the tax at the rate per annum determined under the provisions of ~~subsection (6) paragraph~~ (c) of this subsection from the date prescribed for the payment of the tax. In the event any of the deficiency is reduced by reason of a carryback of a net operating loss or a capital loss carryback, such reduction in deficiency shall not affect the computation of interest under this subsection for the period ending with the last day of the taxable year in which the net operating loss or capital loss arises.

(c) The rate of interest accruing during any calendar year, or portion thereof, upon any deficiency, or payable upon an overpayment or refund, shall be two percent (2%) plus the rate determined under section 1274(d), Internal Revenue Code, by the secretary of the treasury of the United States as the midterm federal rate as it applies on September 15 of the immediately preceding calendar year rounded to the nearest whole number.

(78) When the time provisions contained in this section conflict with the provisions of section 63-4208, Idaho Code, relating to the assessment of taxes on illegal possession of controlled substances, the provisions of section 63-4208, Idaho Code, shall prevail.

SECTION 2. That Section 63-3045B, Idaho Code, be, and the same is hereby amended to read as follows:

63-3045B. FINAL DECISIONS OF THE COMMISSION. (1) If a taxpayer does not file a protest within the sixty-three (63) day period allowed, the notice of deficiency of the tax commission becomes final on the day following the end of the protest period.

(2) If a taxpayer files a protest, but does not perfect the protest, ~~request a hearing, or does not submit additional evidence or documentation, or does not request additional time in which to respond,~~ the notice of deficiency of the tax commission becomes final on the twenty-ninth day following the date the tax commission notified the taxpayer that the protest was not perfected, except that the tax commission may reduce the amount of the deficiency during the twenty-nine (29) day period.

(3) When a perfected protest has been filed, the state tax commission shall, within fourteen (14) days thereof, provide the taxpayer with a written ~~acknowledgement~~ acknowledgment of the protest. After the ~~acknowledgement~~ acknowledgment, a final decision of the tax commission must be rendered within one hundred eighty (180) days from either:

(a) A request in writing, in a form prescribed by rules of the tax commission, from the taxpayer for a final decision on that issue; if the taxpayer requests such a decision, the tax commission may refuse to ac-

cept additional evidence or documentation or refuse to allow an appearance at any proceeding with the commission or any representative of the commission during such one hundred eighty (180) day period; or

(b) The conclusion of any hearing pursuant to section 63-3045(2), Idaho Code, and the taxpayer has not requested or received any extension of time to present additional evidence or testimony.

(4) A final decision may be held in abeyance, notwithstanding the requirements of subsection (3) of this section, with the prior approval in writing of the taxpayer.

(5) If a final decision of the tax commission is not rendered or the protest is not resolved by compromise, consent or withdrawal of the notice of deficiency determination within the time limits established by subsection (3) of this section, the notice of deficiency shall be null and void ab initio, with prejudice.

(6) A final decision of the tax commission shall be issued in writing and mailed or served upon the taxpayer within the time limits set forth herein. The final written decision of the tax commission shall, one hundred twenty (120) days after the date of the final written decision, be available for public inspection and copying pursuant to the provisions of section 74-102, Idaho Code, except:

(a) The taxpayer's name, address, taxpayer identification number, social security number, permit number, or other identifying information shall be removed from the final written decision of the tax commission that is made available to the public; and

(b) Any proprietary or other identifying information contained in the written decision that the taxpayer requests be excised shall be excised by the tax commission in the final written decision made available to the public. The taxpayer must make such request in writing before ninety-one (91) days have elapsed after the date of the final decision.

(7) The tax commission shall label each written decision with a unique identification number and shall keep a list containing each decision number and the date of issuance, as excised in accordance with the provisions of this section. A decision shall serve as precedent for the tax commission in future protest determinations unless information excised, court decisions, changes in the Idaho Code, or changes in applicable administrative rules overrule, supersede, modify, distinguish, or otherwise make inapplicable the written decision of the tax commission.

SECTION 3. That Section 14-532, Idaho Code, be, and the same is hereby amended to read as follows:

14-532. ENFORCEMENT -- ACTIONS TO ENFORCE UNCLAIMED PROPERTY LAW -- ADMINISTRATIVE RULES. (1) The collection and enforcement procedures provided by the Idaho income tax act, sections 63-3038, 63-3039, and 63-3042 through 63-3065A, Idaho Code, but excluding subsection ~~(6)~~ of section 63-3045(7), Idaho Code, shall apply and be available to the state treasurer for enforcement of the provisions of this chapter and collection of any property required to be transferred shall be treated in the same manner as taxes due the state of Idaho, and wherever liens or any other proceedings are defined as income tax liens or proceedings, they shall, when applied in enforcement of this chapter, be described as unclaimed property liens and proceedings.

(2) The powers and duties held by the state tax commission on June 30, 2010, pursuant to the provisions of subsection (1) of this section, shall for the purposes of this chapter and for the administration of the unclaimed property, be deemed to be powers and duties of the state treasurer on and after July 1, 2010.

(3) The administrative rules of the state tax commission in effect on June 30, 2010, for administering the provisions of this chapter shall re-

main in force and effect as if promulgated by the state treasurer until new rules are promulgated by the state treasurer and become effective pursuant to the provisions of section 67-5224, Idaho Code, at which time rules promulgated by the state tax commission shall be deemed repealed. The state treasurer shall have the power to promulgate administrative rules to implement the provisions of this chapter in compliance with chapter 52, title 67, 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 its passage and approval and shall apply to protests received on or after that date.

Approved February 16, 2017

CHAPTER 20
(H.B. No. 22)

AN ACT

RELATING TO INCOME TAXES; AMENDING SECTION 63-3022, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; REPEALING SECTION 63-3022T, IDAHO CODE, RELATING TO RELIEF FROM JOINT AND SEVERAL LIABILITY ON A JOINT RETURN; AND AMENDING CHAPTER 30, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3050A, IDAHO CODE, REGARDING RELIEF FROM JOINT AND SEVERAL LIABILITY ON A JOINT RETURN.

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

SECTION 1. That Section 63-3022, Idaho Code, be, and the same is hereby amended to read as follows:

63-3022. ADJUSTMENTS TO TAXABLE INCOME. The additions and subtractions set forth in this section, and in sections 63-3022A through 63-3022RU, Idaho Code, are to be applied to the extent allowed in computing Idaho taxable income:

(a) Add any state and local taxes, as defined in section 164 of the Internal Revenue Code that are measured by net income, or for which a credit is allowable under section 63-3029, Idaho Code, and paid or accrued during the taxable year adjusted for state or local tax refunds used in arriving at taxable income.

(b) Add the net operating loss deduction used in arriving at taxable income.

(c) (1) A net operating loss for any taxable year commencing on and after January 1, 2000, but before January 1, 2013, shall be a net operating loss carryback not to exceed a total of one hundred thousand dollars (\$100,000) to the two (2) immediately preceding taxable years. At the election of the taxpayer, the two (2) year carryback may be ~~foregone~~ forgone and the loss subtracted from income received in taxable years arising in the next twenty (20) years succeeding the taxable year in which the loss arises in order until exhausted. The election shall be made as under section 172(b) (3) of the Internal Revenue Code. An election under this subsection must be in the manner prescribed in the rules of the state tax commission and once made is irrevocable for the year in which it is made.

(2) A net operating loss for any taxable year commencing on or after January 1, 2013, shall be a net operating loss carryback not to exceed a total of one hundred thousand dollars (\$100,000) to the two (2) imme-

diately preceding taxable years only if an amended return carrying the loss back is filed within one (1) year of the end of the taxable year of the net operating loss that results in such carryback.

(3) Any portion of the net operating loss not subtracted from income in the two (2) preceding years may be subtracted from income in the next twenty (20) years succeeding the taxable year in which the loss arises in order until exhausted. The sum of the deductions may not exceed the amount of the net operating loss deduction incurred. The carryback shall be limited to a total of fifty thousand dollars (\$50,000) in the case of an individual filing as married filing separate in the year of the loss.

(4) Net operating losses incurred by a corporation during a year in which such corporation did not transact business in Idaho or was not included in a group of corporations combined under subsection (t) of section 63-3027, Idaho Code, may not be subtracted. However, if at least one (1) corporation within a group of corporations combined under subsection (t) of section 63-3027, Idaho Code, was transacting business in Idaho during the taxable year in which the loss was incurred, then the net operating loss may be subtracted. Net operating losses incurred by a person, other than a corporation, in activities not taxable by Idaho may not be subtracted.

(5) The term "income" as used in this subsection ~~(e)~~ means Idaho taxable income as defined in this chapter as modified by section 63-3021(b) (2), (3) and (4), Idaho Code.

(d) In the case of a corporation, add the amount deducted under the provisions of sections 243(a) and (c), 244, 245 and 246A of the Internal Revenue Code (relating to dividends received by corporations) as limited by section 246(b) (1) of said code.

(e) In the case of a corporation, subtract an amount determined under section 78 of the Internal Revenue Code to be taxable as dividends.

(f) Subtract the amount of any income received or accrued during the taxable year which is exempt from taxation by this state, under the provisions of any other law of this state or a law of the United States, if not previously subtracted in arriving at taxable income.

(g) For the purpose of determining the Idaho taxable income of the beneficiary of a trust or of an estate:

(1) Distributable net income as defined for federal tax purposes shall be corrected for the other adjustments required by this section.

(2) Net operating losses attributable to a beneficiary of a trust or estate under section 642 of the Internal Revenue Code shall be a deduction for the beneficiary to the extent that income from the trust or estate would be attributable to this state under the provisions of this chapter.

(h) In the case of an individual who is on active duty as a full-time officer, enlistee or draftee, with the armed forces of the United States, which full-time duty is or will be continuous and uninterrupted for one hundred twenty (120) consecutive days or more, deduct compensation paid by the armed forces of the United States for services performed outside this state. The deduction is allowed only to the extent such income is included in taxable income.

(i) In the case of a corporation, including any corporation included in a group of corporations combined under subsection (t) of section 63-3027, Idaho Code, add any capital loss or passive loss deducted which loss was incurred during any year in which such corporation did not transact business in Idaho. However, do not add any capital loss deducted if a corporation, including any corporation in a group of corporations combined under subsection (t) of section 63-3027, Idaho Code, was transacting business in Idaho during the taxable year in which the loss was incurred. In the case of persons other than corporations, add any capital loss or passive loss deducted which

was incurred in activities not taxable by Idaho at the time such loss was incurred. In computing the income taxable to an S corporation or partnership under this section, deduction shall not be allowed for a carryover or carry-back of a net operating loss provided for in subsection (c) of this section, a passive loss or a capital loss provided for in section 1212 of the Internal Revenue Code.

(j) In the case of an individual, there shall be allowed as a deduction from gross income either paragraph (1) or (2) of this subsection at the option of the taxpayer:

(1) The standard deduction as defined in section 63~~7~~, of the Internal Revenue Code.

(2) Itemized deductions as defined in section 63 of the Internal Revenue Code except state or local taxes measured by net income and general sales taxes as either is defined in section 164 of the Internal Revenue Code.

(k) Add the taxable amount of any lump sum distribution excluded from gross income for federal income tax purposes under the ten (10) year averaging method. The taxable amount will include the ordinary income portion and the amount eligible for the capital gain election.

(l) Deduct any amounts included in gross income under the provisions of section 86 of the Internal Revenue Code relating to certain social security and railroad benefits.

(m) In the case of a self-employed individual, deduct the actual cost of premiums paid to secure worker's compensation insurance for coverage in Idaho, if such cost has not been deducted in arriving at taxable income.

(n) In the case of an individual, deduct the amount contributed to a college savings program pursuant to chapter 54, title 33, Idaho Code, but not more than four thousand dollars (\$4,000) per tax year. If the contribution is made on or before April 15, 2001, it may be deducted for tax year 2000 and an individual can make another contribution and claim the deduction according to the limits provided in this subsection during 2001 for tax year 2001, as long as the contribution is made on or before December 31, 2001.

(o) In the case of an individual, add the amount of a nonqualified withdrawal from an individual trust account or savings account established pursuant to chapter 54, title 33, Idaho Code, less any amount of such nonqualified withdrawal included in the individual's federal gross income pursuant to section 529 of the Internal Revenue Code.

(p) In the case of an individual, add the amount of a withdrawal from an individual trust account or savings account established pursuant to chapter 54, title 33, Idaho Code, transferred to a qualified tuition program, as defined in section 529 of the Internal Revenue Code, that is operated by a state other than Idaho. The addition provided in this subsection is limited to the amount of the contributions to the Idaho individual trust account or savings account by the account owner that ~~were~~ was deducted on the account owner's income tax return for the year of the transfer and the prior taxable year.

SECTION 2. That Section 63-3022T, Idaho Code, be, and the same is hereby repealed.

SECTION 3. That Chapter 30, Title 63, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 63-3050A, Idaho Code, and to read as follows:

63-3050A. RELIEF FROM JOINT AND SEVERAL LIABILITY ON JOINT RETURN. (1) An individual who has filed a joint return and who has been granted relief from joint and several liability by the internal revenue service shall have such relief recognized, granted and honored by the state tax commission for state income tax purposes.

(2) The state tax commission shall promulgate such rules as are necessary to carry out the provisions of this section.

Approved February 16, 2017

CHAPTER 21
(H.B. No. 13)

AN ACT
RELATING TO ELECTIONS; AMENDING SECTION 34-627, IDAHO CODE, TO REMOVE THE
OFFICIAL DATE OF A POLITICAL PARTY CHANGE BY AN ELECTED OFFICIAL.

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

SECTION 1. That Section 34-627, Idaho Code, be, and the same is hereby amended to read as follows:

34-627. HOLDERS OF PARTISAN ELECTIVE OFFICE CHANGING POLITICAL PARTIES. Whenever any holder of a partisan elective office desires to change political parties, the change shall only be effective if the holder files a declaration of intent to change political parties with the election official with whom the holder of the partisan elective office has filed his declaration of candidacy for the office that the holder of the partisan elective office currently holds. ~~The party change shall be official five (5) calendar days after receipt of the declaration of intent provided in this section by the election official.~~ After receiving the declaration of intent, the election official shall send a copy of the declaration to the affected political party central committees of both the political party, if any, that the holder of the partisan elective office desires to leave and the political party, if any, that the holder of the partisan elective office desires to join. A holder of a partisan elective office cannot change political parties between the date the holder of partisan elective office files for the primary election through three (3) months after the general election in which the partisan elective office was on the ballot. A holder of a partisan elective office only may change political parties pursuant to this section once per term. The election official shall be authorized to charge a holder of a partisan elective office desiring to change his political party a twenty-five dollar (\$25.00) fee to defray the election official's expenses in administering the provisions of this section.

Approved February 16, 2017

CHAPTER 22
(H.B. No. 5)

AN ACT

RELATING TO CONTROLLED SUBSTANCES; AMENDING SECTION 37-2726, IDAHO CODE, TO PROVIDE THAT THE BOARD SHALL RETAIN CERTAIN INFORMATION FOR A PERIOD OF FIVE YEARS, TO PROVIDE THAT PHARMACISTS MUST REGISTER TO ACCESS THE CONTROLLED SUBSTANCES PRESCRIPTIONS DATABASE, TO REVISE A DEFINITION AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 37-2726, Idaho Code, be, and the same is hereby amended to read as follows:

37-2726. FILING PRESCRIPTIONS -- DATABASE. (1) All controlled substances dispensed for humans shall be filed with the board electronically in a format established by the board or by other method as required by board rule. The board may require the filing of other prescriptions by board rule. The board shall establish by rule the information to be submitted pursuant to the purposes of this section and the purposes set forth in section 37-2730A, Idaho Code.

(2) The board shall create, operate and maintain a controlled substances prescriptions database containing the information submitted pursuant to subsection (1) of this section, to be used for the purposes and subject to the terms, conditions and immunities described in section 37-2730A, Idaho Code. The board shall retain the information submitted pursuant to subsection (1) of this section for a period of five (5) years from the date the controlled substance was dispensed. The database information must be made available only to the following:

- (a) Authorized individuals employed by Idaho's boards or other states' licensing entities charged with the licensing and discipline of practitioners;
- (b) Peace officers employed by federal, state and local law enforcement agencies engaged as a specified duty of their employment in enforcing law regulating controlled substances;
- (c) Authorized individuals under the direction of the department of health and welfare for the purpose of monitoring and enforcing that department's responsibilities under the public health, medicare and medicaid laws;
- (d) A practitioner, licensed in Idaho or another state, having authority to prescribe controlled substances, or a delegate under the practitioner's supervision, to the extent the information relates specifically to a current patient of the practitioner to whom the practitioner is prescribing or considering prescribing any controlled substance;
- (e) A pharmacist, licensed in Idaho or another state, having authority to dispense controlled substances, or a delegate under the pharmacist's supervision, to the extent the information relates specifically to a current patient to whom that pharmacist is dispensing or considering dispensing any controlled substance, or providing pharmaceutical care as defined in the Idaho pharmacy act;
- (f) An individual who is the recipient of a dispensed controlled substance entered into the database may access records that pertain to that individual, upon the production of positive identification, or that individual's designee upon production of a notarized release of information by that individual;

(g) Upon a lawful order issued by the presiding judge in a court of competent jurisdiction for the release of prescription monitoring program records of a named individual;

(h) Prosecuting attorneys, deputy prosecuting attorneys and special prosecutors of a county or city and special assistant attorneys general from the office of the attorney general engaged in enforcing law regulating controlled substances; and

(i) A medical examiner or coroner who is an officer of or employed by a state or local government, for determining a cause of death or for performing other duties authorized by law.

(3) The board shall require pharmacists and prescribers, except veterinarians, to annually register with the board to obtain online access to the controlled substances prescriptions database.

(4) The board must maintain records on the information disclosed from the database, including:

(a) The identification of each individual who requests or receives information from the database and who that individual represents;

(b) The information provided to each such individual; and

(c) The date and time the information is requested or provided.

(5) The board shall promulgate rules to ensure that only authorized individuals have access to the database.

(6) The board shall limit to four (4) the number of delegates that a practitioner or pharmacist may permit to access the database under the practitioner's or pharmacist's supervision.

(7) Any person who knowingly misrepresents to the board that he is a person entitled under subsection (2) of this section to receive information from the controlled substances prescriptions database under the conditions therein provided, and who receives information from the controlled substances prescriptions database resulting from that misrepresentation, shall be guilty of a misdemeanor, punishable by imprisonment in a county jail not to exceed six (6) months, or by a fine not to exceed two thousand dollars (\$2,000), or both. The foregoing criminal penalty is in addition to, and not in lieu of, any other civil or administrative penalty or sanction authorized by law.

(8) Any person in possession, whether lawfully or unlawfully, of information from the controlled substances prescriptions database which that identifies an individual patient and who knowingly discloses such information to a person not authorized to receive or use such information under any state or federal law, or rule or regulation, or the lawful order of a court of competent jurisdiction, or written authorization of the individual patient shall be guilty of a misdemeanor, punishable by imprisonment in a county jail not to exceed six (6) months, or by a fine not to exceed two thousand dollars (\$2,000), or both. The foregoing criminal penalty is in addition to, and not in lieu of, any other civil or administrative penalty or sanction authorized by law. The provisions of this subsection shall not apply to disclosure of individual patient information by the patient himself. The provisions of this subsection shall not apply to disclosure of information by a prosecuting attorney, deputy prosecuting attorney or special prosecutor of a county or city or by a special assistant attorney general from the office of the attorney general in the course of a criminal proceeding, whether preconviction or postconviction.

(9) Any person with access to the board's online prescription monitoring program pursuant to a board-issued user account, login name and password who intentionally shares or recklessly fails to safeguard his user account, login name and password, resulting in another person not authorized to receive or use such information under the provisions of any state or federal law, rule or regulation obtaining information from the controlled substances prescriptions database, shall be guilty of a misdemeanor, punishable by imprisonment in a county jail not to exceed six (6) months or by a fine

not to exceed two thousand dollars (\$2,000), or both. The foregoing criminal penalty is in addition to, and not in lieu of, any other civil or administrative penalty or sanction authorized by law.

(10) The board may, at its discretion, block access to certain controlled substances prescriptions database data if the board has reason to believe that access to the data is or may be used illegally.

(11) All costs associated with recording and submitting data as required in this section are assumed by the dispensing practitioner recording and submitting the data.

(12) For purposes of this section, "delegate" means a nurse, medical or office assistant, current student of a health profession if a licensed practitioner or registered graduate of such profession may access the database, or a registered pharmacy technician who is designated by a supervising practitioner or pharmacist to access the database according to the provisions of this section and who must register with the state board of pharmacy for such access.

Approved February 16, 2017

CHAPTER 23
(H.B. No. 3)

AN ACT

RELATING TO PHARMACISTS; AMENDING SECTION 54-1704, IDAHO CODE, TO PROVIDE THAT PRESCRIBING TUBERCULIN PURIFIED PROTEIN DERIVATIVE PRODUCTS IS WITHIN THE PRACTICE OF PHARMACY; AND AMENDING CHAPTER 17, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-1733E, IDAHO CODE, TO PROVIDE THAT A PHARMACIST MAY PRESCRIBE AND ADMINISTER A TUBERCULIN PURIFIED PROTEIN DERIVATIVE PRODUCT UNDER CERTAIN CIRCUMSTANCES.

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

SECTION 1. That Section 54-1704, Idaho Code, be, and the same is hereby amended to read as follows:

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

- (1) The interpretation, evaluation and dispensing of prescription drug orders;
- (2) Participation in drug and device selection, drug administration, prospective and retrospective drug reviews and drug or drug-related research;
- (3) The provision of patient counseling and the provision of those acts or services necessary to provide pharmaceutical care;
- (4) The responsibility for:
 - (a) Compounding and labeling of drugs and devices, except labeling by a manufacturer, repackager or distributor of nonprescription drugs and commercially packaged legend drugs and devices;
 - (b) Proper and safe storage of drugs and devices, and maintenance of proper records for them; and
 - (c) The offering or performing of those acts, services, operations or transactions necessary to the conduct, operation, management and control of pharmacy;
- (5) The prescribing of:
 - (a) Dietary fluoride supplements when prescribed according to the American dental association's recommendations for persons whose drinking water is proven to have a fluoride content below the United States department of health and human services' recommended concentration;

- (b) Agents for active immunization when prescribed for susceptible persons six (6) years of age or older for the protection from communicable disease;
- (c) Opioid antagonists pursuant to section 54-1733B, Idaho Code; and
- (d) Epinephrine auto-injectors pursuant to sections 54-1733C and 54-1733D, Idaho Code; and
- (e) Tuberculin purified protein derivative products pursuant to section 54-1733E, Idaho Code.

SECTION 2. That Chapter 17, 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 54-1733E, Idaho Code, and to read as follows:

54-1733E. TUBERCULIN PURIFIED PROTEIN DERIVATIVE PRODUCTS -- SCREENING. Notwithstanding any other provision of law, a pharmacist acting in good faith and exercising reasonable care may prescribe and administer a tuberculin purified protein derivative product approved by the federal food and drug administration to a patient for the purpose of screening for tuberculosis infection, provided the following conditions are met:

(1) Prior to prescribing and administering a tuberculin purified protein derivative product, the pharmacist must successfully complete a course on proper test administration and interpretation of results from the United States centers for disease control and prevention (CDC) or a comparable course from a provider accredited by the accreditation council for pharmacy education;

(2) The pharmacist shall follow the recommendations for Mantoux tuberculin skin testing from the CDC regarding test administration and interpretation of results;

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

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

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

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

Approved February 16, 2017

CHAPTER 24
(H.B. No. 2)

AN ACT

RELATING TO PHARMACISTS; AMENDING SECTION 54-1723, IDAHO CODE, TO REVISE PROVISIONS REGARDING RECIPROCAL LICENSING AND TO MAKE A TECHNICAL CORRECTION.

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

SECTION 1. That Section 54-1723, Idaho Code, be, and the same is hereby amended to read as follows:

54-1723. QUALIFICATIONS FOR LICENSURE BY RECIPROCITY. (1) To obtain a license as a pharmacist by reciprocity, an applicant for licensure shall:

(a) Have submitted a written application in the form prescribed by the board of pharmacy.

- (b) Have attained the age of majority.
- (c) Have good moral character and temperate habits.
- (d) Have possessed at the time of initial licensure as a pharmacist such other qualifications necessary to have been eligible for licensure at that time in this state.
- (e) Have engaged in the practice of pharmacy for a period of at least one (1) year or have met the internship requirements of this state within the one (1) year immediately previous to the date of such application.
- (f) Have presented to the board proof of initial licensure by examination and proof that such license and any other license or licenses granted to the applicant by any other state or states have is not been at the time of application suspended, revoked, canceled or otherwise restricted in a manner preventing the applicant from practicing as a pharmacist for any reason except nonrenewal or the failure to obtain required continuing education credits in any state where the applicant is licensed but not engaged in the practice of pharmacy.
- (g) Have paid the fees specified by the board of pharmacy for issuance of a license.

(2) Eligibility. No applicant shall be eligible for licensure by reciprocity unless the state in which the applicant was initially licensed as a pharmacist also grants reciprocal licensure to pharmacists duly licensed by examination in this state, under like circumstances and conditions.

(3) Temporary reciprocity license.

(a) In conjunction with an application for a license as a pharmacist by reciprocity, the applicant may be granted a temporary license as a pharmacist upon compliance with the following terms and conditions:

(i) The applicant has filed a complete application for licensure by reciprocity and paid all fees for such application, which fees shall not be refundable upon grant of a temporary license;

(ii) The applicant has passed the state jurisprudence examination with a score of not less than seventy-five (75);

(iii) The applicant submits photocopies of all current licenses to practice pharmacy in any other states or jurisdictions;

(iv) The applicant provides documentation of any and all actions taken against any of the applicant's licenses to practice pharmacy by any other state or jurisdiction, and any such action does not otherwise render the applicant ineligible for licensure by reciprocity in Idaho;

(v) The applicant submits evidence that the applicant has lawfully practiced pharmacy in the United States or its territories for the preceding twelve (12) months prior to filing of the application;

(vi) The applicant submits evidence that the applicant has completed all continuing education requirements of the applicant's active licenses for the three (3) calendar years preceding the application; and

(vii) The applicant executes a sworn statement that all of the documents, evidence and statements of the applicant submitted to the board in conjunction with the application for licensure by reciprocity and the request for temporary licensure are true and correct, and that the applicant has fully disclosed all information required for licensure by reciprocity and for temporary licensure.

(b) Upon completion of the above requirements to the satisfaction of the executive director, the applicant may be granted a temporary license by reciprocity for a period of not more than sixteen (16) consecutive weeks as follows:

- (i) The temporary license shall not be renewable nor may the applicant reapply for temporary licensure for a period of one (1) year after lapse of a temporary license;
- (ii) The temporary license shall lapse automatically upon the grant or denial of a license by reciprocity upon subsections (1) and (2) of this section;
- (iii) The temporary license shall not include acting as a pharmacist-in-charge or as a preceptor or supervising interns or externs;
- (iv) The temporary license shall be subject to discipline in the same manner as a full license, and shall also be subject to immediate suspension by the executive director upon reasonable evidence that the applicant has not fulfilled the requirements for such temporary license or that the documents, evidence and statement of the applicant submitted to the board are not true and correct, or that the applicant's disclosures required by this section are not complete. Suspension of a temporary license by the executive director shall be immediate subject only to reinstatement upon appeal by the applicant to the board at its next scheduled meeting; and
- (v) In the event the temporary license lapses without the contemporaneous grant of full licensure by reciprocity, or the temporary license is suspended by the executive director, then all privileges allowed under the temporary license, including those relating to any controlled substance registration granted under the temporary license, shall also cease.

Approved February 16, 2017

CHAPTER 25
(H.B. No. 4)

AN ACT

RELATING TO PHARMACISTS; AMENDING SECTION 54-1704, IDAHO CODE, TO PROVIDE THAT PRESCRIBING ANY TOBACCO CESSATION PRODUCT IS WITHIN THE PRACTICE OF PHARMACY; AND AMENDING CHAPTER 17, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-1733E, IDAHO CODE, TO PROVIDE THAT PHARMACISTS MAY PRESCRIBE TOBACCO CESSATION PRODUCTS UNDER CERTAIN CIRCUMSTANCES.

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

SECTION 1. That Section 54-1704, Idaho Code, be, and the same is hereby amended to read as follows:

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

- (1) The interpretation, evaluation and dispensing of prescription drug orders;
- (2) Participation in drug and device selection, drug administration, prospective and retrospective drug reviews and drug or drug-related research;
- (3) The provision of patient counseling and the provision of those acts or services necessary to provide pharmaceutical care;
- (4) The responsibility for:
 - (a) Compounding and labeling of drugs and devices, except labeling by a manufacturer, repackager or distributor of nonprescription drugs and commercially packaged legend drugs and devices;
 - (b) Proper and safe storage of drugs and devices, and maintenance of proper records for them; and

(c) The offering or performing of those acts, services, operations or transactions necessary to the conduct, operation, management and control of pharmacy;

(5) The prescribing of:

(a) Dietary fluoride supplements when prescribed according to the American dental association's recommendations for persons whose drinking water is proven to have a fluoride content below the United States department of health and human services' recommended concentration;

(b) Agents for active immunization when prescribed for susceptible persons six (6) years of age or older for the protection from communicable disease;

(c) Opioid antagonists pursuant to section 54-1733B, Idaho Code; and

(d) Epinephrine auto-injectors pursuant to sections 54-1733C and 54-1733D, Idaho Code; and

(e) Tobacco cessation products pursuant to section 54-1733E, Idaho Code.

SECTION 2. That Chapter 17, 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 54-1733E, Idaho Code, and to read as follows:

54-1733E. TOBACCO CESSATION PRODUCTS -- PRESCRIPTION. Notwithstanding any other provision of law, a pharmacist acting in good faith and exercising reasonable care may prescribe any tobacco cessation product approved by the federal food and drug administration, provided the following conditions are met:

(1) Prior to prescribing tobacco cessation products, the pharmacist must successfully complete a course on tobacco cessation therapy taught by a provider accredited by the accreditation council for pharmacy education or by a comparable provider recognized by the board;

(2) When a patient requests a tobacco cessation product, the pharmacist shall use a screening procedure based on clinical guidelines to identify appropriate candidates for treatment by the pharmacist. The pharmacist shall refer high-risk patients or patients with a contraindication to the patient's primary care provider, as applicable, or to another provider, as appropriate; and

(3) When a pharmacist prescribes a tobacco cessation product:

(a) Documentation of the patient screening and the prescription record shall be maintained in the records of the pharmacy and a copy shall be made available to the patient or the patient's provider, or both, upon request;

(b) A follow-up care plan shall be developed and implemented in accordance with clinical guidelines;

(c) Notification of the patient screening, the prescription record and the follow-up care plan shall be provided to the patient's primary care provider, as applicable, within five (5) business days following the prescribing of a tobacco cessation product; and

(d) The pharmacist shall recommend that the patient seek additional assistance for behavior change including, but not limited to, the Idaho QuitLine.

Approved February 16, 2017

CHAPTER 26
(H.B. No. 10)

AN ACT

RELATING TO CHIROPRACTIC PRACTICE; AMENDING CHAPTER 7, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-707A, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING FEES; AMENDING SECTION 54-708, IDAHO CODE, TO REVISE PROVISIONS REGARDING LICENSES; AMENDING SECTION 54-709, IDAHO CODE, TO REVISE PROVISIONS REGARDING LICENSURE BY WRITTEN EXAMINATION AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-710, IDAHO CODE, TO REVISE PROVISIONS REGARDING LICENSURE BY ENDORSEMENT AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 54-711, IDAHO CODE, TO REVISE PROVISIONS REGARDING TEMPORARY PRACTICE, REGISTRATION AND PERMIT AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Chapter 7, 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 54-707A, Idaho Code, and to read as follows:

54-707A. FEES. (1) The board shall establish by rule fees for licensure under the provisions of this chapter including, but not limited to, the following:

- (a) Application fee not to exceed two hundred fifty dollars (\$250);
 - (b) Initial license fee not to exceed two hundred fifty dollars (\$250);
 - (c) Endorsement license fee not to exceed two hundred fifty dollars (\$250);
 - (d) Annual renewal of license fee not to exceed two hundred fifty dollars (\$250);
 - (e) Inactive license fee not to exceed one hundred fifty dollars (\$150);
 - (f) Temporary permit fee not to exceed one hundred fifty dollars (\$150);
 - (g) Intern permit fee not to exceed one hundred fifty dollars (\$150);
- and
- (h) Continuing education provider application fee not to exceed five hundred dollars (\$500).

(2) Fees charged pursuant to paragraphs (b), (c), (f) and (g) of subsection (1) of this section shall be in addition to the application fee.

(3) All fees received under the provisions of this chapter shall be nonrefundable and shall be deposited in the state treasury to the credit of the occupational license account in the dedicated fund, and all costs and expenses incurred by the board under the provisions of this chapter shall be a charge against and paid from the account for such purposes, and the funds collected shall be immediately available for the administration of this chapter, the provisions of any other law notwithstanding.

SECTION 2. That Section 54-708, Idaho Code, be, and the same is hereby amended to read as follows:

54-708. BOARD TO ISSUE LICENSES -- RENEWAL AND REINSTATEMENT. (1) The board shall issue licenses to practice chiropractic to persons who have qualified therefor in accordance with the provisions of this chapter. The board may refuse licensure if it finds that the applicant has engaged in conduct prohibited by sections 54-704 and 54-712, Idaho Code, provided, that the board shall take into consideration the rehabilitation of the applicant and other mitigating circumstances. ~~Such licenses shall be issued~~

~~after payment of the licensing fee in an amount to be fixed by the board not to exceed one hundred fifty dollars (\$150). An applicant for a license or permit under this chapter must submit the fee set by board rules. All licenses issued under the provisions of this chapter shall be subject to annual renewal and shall expire unless renewed in the manner prescribed by the board regarding applications for renewal, continuing education, and fees. License renewal and reinstatement shall be in accordance with section 67-2614, Idaho Code.~~

~~(2) The board may renew, on an inactive basis, the license of a A physician holding a current active license in this state who is not practicing chiropractic in this state may be issued an inactive license. The physician must submit the fee set by board rules and a written request for an inactive license. The board shall fix and collect an inactive license fee for such an inactive license renewal in an amount not to exceed one hundred fifty dollars (\$150) and eEach inactive license shall be issued for a period of one (1) year. A physician holding an inactive license may not engage in the practice of chiropractic in this state. If a A physician wishes wishing to convert his an inactive license to an active license, he must account to the board for that period of time in which he held an inactive the license was inactive and must fulfill requirements that demonstrate competency to resume practice. Those requirements may include, but are not limited to, education, supervised practice and examination. The board may consider practice in another jurisdiction in determining competency. All fees authorized by subsections (1) and (2) of this section shall be paid to the bureau of occupational licenses.~~

~~(3) Whenever the board determines that an applicant for a license to practice chiropractic is not qualified for such a license pursuant to the provisions of this chapter, the board shall notify the applicant by certified mail of its denial of licensure and the reasons for denial.~~

SECTION 3. That Section 54-709, Idaho Code, be, and the same is hereby amended to read as follows:

54-709. LICENSURE BY WRITTEN EXAMINATION. (1) Any person seeking to be licensed to practice chiropractic in this state must successfully complete the following requirements before a license will be issued:

(a) Each applicant must submit the fee set by board rules and a completed written application and a fee not to exceed one hundred fifty dollars (\$150) to the board on forms furnished by the board, which shall require proof of graduation from an acceptable school of chiropractic;

(b) Each applicant must pass an examination ~~conducted by or acceptable to the board which shall thoroughly test the applicant's fitness to practice chiropractic~~ required by board rules. Such examinations must include, but shall not be limited to, the following subjects: anatomy and histology; clinical blood chemistry and hematology; pathology; bacteriology; clinical nutrition; hygiene and sanitation; physiology; symptomatology; urinalysis; chiropractic jurisprudence; chiropractic orthopedics; physiotherapy; chiropractic principles, clinical and physical diagnosis; chiropractic adjustment; neurology, and palpation.

(2) If an applicant fails to pass an examination on two (2) separate occasions, he shall not be eligible to take the examination again for at least one (1) year, and before taking the examination again, he must make a showing to the board that he has successfully engaged in a course of study for the purpose of improving his ability to engage in the practice of chiropractic. Applicants who fail two (2) separate examinations in another state, territory or district of the United States or Canada, must make a showing to the board of successful completion of a course of study prior to examination for licensure.

~~(3) Applicants may be personally interviewed by the board or a designated committee of the board. The interviews may be conducted to specifically review the applicant's qualifications and professional credentials. The applicant shall be further examined by the board to determine that the applicant possesses the arts and skills of chiropractic adjusting.~~

SECTION 4. That Section 54-710, Idaho Code, be, and the same is hereby amended to read as follows:

54-710. LICENSURE BY ENDORSEMENT. Any person seeking to be licensed to practice chiropractic in this state who is licensed to practice chiropractic in another state must successfully complete the following requirements before a license to practice chiropractic will be issued.

(1) Each applicant must submit the fee set by board rules and a completed written application and a fee not to exceed one hundred fifty dollars (\$150) to the board on forms furnished by the board which that require proof of graduation from an acceptable school of chiropractic and which that contains proof that the applicant has for five (5) consecutive years immediately prior to application, practiced chiropractic and holds a valid, unrevoked, unsuspended license to practice chiropractic in a state, territory or district of the United States or Canada, and a national board of chiropractic examiner's certificate.

(2) Each applicant must demonstrate that he possesses the requisite qualifications to provide the same standard of chiropractic care as provided by physicians in this state. The board may require further examination to establish such qualifications.

SECTION 5. That Section 54-711, Idaho Code, be, and the same is hereby amended to read as follows:

54-711. TEMPORARY PRACTICE, REGISTRATION AND PERMIT. (1) Any person who has submitted an application to the board for licensure by examination to practice chiropractic in the state of Idaho, may register with the board and be granted a permit to practice chiropractic prior to examination and licensure in accordance with board rules upon the following conditions:

(a) The applicant must submit the fee set by board rules and a completed registration application to the board on forms furnished by the board together with a fee of not more than one hundred dollars (\$100), and must affirmatively show that the applicant will take the next scheduled examination for licensure approved by the board, and that the applicant has not failed two (2) previous examinations for licensure approved by the board; and

(b) A licensed physician certifies to the board that such applicant will practice chiropractic only under the direct and immediate supervision of such physician and only in the office of such physician.

(2) Any person who has completed the required course of study from an acceptable school of chiropractic, but has not yet graduated, may register with the board and be granted a permit to serve a chiropractic internship in accordance with board rules and upon the following conditions:

(a) The applicant must submit the fee set by board rules and a completed registration application to the board on forms furnished by the board and submit a fee of not more than one hundred dollars (\$100); and

(b) A licensed physician certifies to the board that such applicant will practice chiropractic only under the direct and immediate supervision of such physician and only in the office of such physician.

CHAPTER 27
(H.B. No. 15)

AN ACT

RELATING TO URBAN RENEWAL AND ECONOMIC DEVELOPMENT; AMENDING SECTION 50-2905A, IDAHO CODE, TO REVISE THE DEFINITION OF "PROJECT COSTS" TO PROVIDE A CORRECT STATUTORY REFERENCE.

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

SECTION 1. That Section 50-2905A, Idaho Code, be, and the same is hereby amended to read as follows:

50-2905A. ELECTION NECESSARY FOR EXPENDITURES ON CERTAIN PROJECTS. (1) Notwithstanding any other provision of this chapter, on and after July 1, 2016, it shall be unlawful for an urban renewal agency to expend revenue collected under this chapter on project costs when the amount of revenue collected under this chapter contributes to fifty-one percent (51%) or more of the total project cost and the project is for construction of a municipal building that will not be subject to property taxation or unless such construction project is first approved in an election by sixty percent (60%) of the participating qualified electors residing within the borders of the qualified municipality. An election pursuant to this section shall be in accordance with the provisions of chapter 1, title 34, Idaho Code.

(2) For purposes of this section, the following terms shall have the following meanings:

(a) "Municipal building" means only an administrative building, city hall, library, courthouse, public safety or law enforcement buildings, other judicial buildings, fire stations, jails and detention facilities;

(b) "Project costs" shall have the same meaning as provided in section 50-20082903(14), Idaho Code.

Approved February 22, 2017

CHAPTER 28
(H.B. No. 17)

AN ACT

RELATING TO THE MILITARY DIVISION AND THE BOARD OF EXAMINERS; AMENDING SECTION 46-714, IDAHO CODE, TO PROVIDE THAT ANY CONTRACT WITH STATE MATCHING FUNDS IN EXCESS OF A CERTAIN AMOUNT MAY NOT BE LET BY THE ADJUTANT GENERAL UNTIL WRITTEN APPROVAL IS GIVEN BY THE STATE BOARD OF EXAMINERS.

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

SECTION 1. That Section 46-714, Idaho Code, be, and the same is hereby amended to read as follows:

46-714. APPROVAL OF BOARD OF EXAMINERS. No Any contract with state matching funds in excess of the threshold amount specified for the requirement for formal bids in section 67-5711, Idaho Code, may not be let by the adjutant general until written approval of the same shall be given by the board of examiners.

Approved February 22, 2017

CHAPTER 29
(H.B. No. 18)

AN ACT

RELATING TO THE IDAHO NATIONAL GUARD; AMENDING SECTION 46-314, IDAHO CODE, TO PROVIDE THAT THE ADJUTANT GENERAL OF THE IDAHO NATIONAL GUARD IS AUTHORIZED TO ENCOURAGE RECRUITMENT AND RETENTION OF NATIONAL GUARDSMEN BY PROVIDING INCENTIVE PAYMENTS FOR FURTHERANCE OF EDUCATION.

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

SECTION 1. That Section 46-314, Idaho Code, be, and the same is hereby amended to read as follows:

46-314. EDUCATIONAL ENCOURAGEMENT. The adjutant general of the Idaho national guard is authorized to encourage recruitment and retention of ~~nontechnician~~ national guardsmen by providing incentive payments as set forth hereinafter. The adjutant general may authorize the payment of not more than one hundred percent (100%) of student registration fees or tuition for each semester for each member of the active Idaho national guard who attends a public or private institution of higher education in Idaho, a career technical education school, or a community college organized under the provisions of chapter 21, title 33, Idaho Code. To be eligible to receive benefits, an individual must be a member in good standing of the active Idaho national guard at the beginning of and throughout the entire semester for which benefits are received.

Approved February 22, 2017

CHAPTER 30
(H.B. No. 19)

AN ACT

RELATING TO ARMORIES AND MILITARY PROPERTY; AMENDING SECTION 46-707, IDAHO CODE, TO REVISE A DEFINITION.

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

SECTION 1. That Section 46-707, Idaho Code, be, and the same is hereby amended to read as follows:

46-707. DEFINITIONS. As used in this act:

(a) "Adjutant general" means the adjutant general of the State of Idaho;

(b) "The Federal Act" means Public Law No. 783 of the 81st Congress, (64 Stat. 829-832), entitled "The National Defense Facilities Act."

(c) "National Guard Bureau" means the National Guard Bureau of the Department of the Army and National Guard Bureau of the Department of the Air Force.

(d) "Idaho Military Facility" means an armory, readiness center, building, storehouse or training facility under the control of the Idaho National Guard and/or Idaho Military Division.

(e) "Idaho National Guard" means the Idaho Army National Guard and the Idaho Air National Guard.

~~(e) "Armory" means a building, storehouse, repository, arsenal, depot or training facility on land owned, leased, licensed or otherwise under the control of the Idaho National Guard.~~

Approved February 22, 2017

CHAPTER 31
(H.B. No. 33)

AN ACT

RELATING TO WINE DIRECT SHIPPER PERMITS; AMENDING SECTION 23-1331, IDAHO CODE, TO PROVIDE FOR THE SUSPENSION OF A WINE DIRECT SHIPPER'S PERMIT UNDER CERTAIN CONDITIONS.

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

SECTION 1. That Section 23-1331, Idaho Code, be, and the same is hereby amended to read as follows:

23-1331. SUSPENSION, REVOCATION, AND REFUSAL TO RENEW LICENSES AND PERMITS -- MONETARY PENALTY. (1) The director may suspend, revoke, or refuse to renew a retail wine license, wine by the drink license, wine distributor's license, wine importer's license, winery license, wine direct shipper's permit or vintner's license issued pursuant to the terms of this chapter for any violation of or failure to comply with the provisions of this chapter or rules and regulations promulgated by the director or the state tax commission pursuant to the terms and conditions of this chapter. Manufacturing or bottling functions of a winery shall not be subject to suspension, revocation or nonrenewal of a license, except for violations of law directly related to the manufacturing or bottling activities of the winery. Procedures for the suspension, revocation or refusal to grant or renew licenses issued under this chapter shall be in accordance with the provisions of chapter 52, title 67, Idaho Code.

(2) When the director determines to suspend such license, the affected licensee may petition the director prior to the effective date of the suspension requesting that a monetary payment be allowed in lieu of the license suspension. If the director determines such payment to be consistent with the purpose of the laws of the state of Idaho and is in the public interest, he shall establish a monetary payment in an amount not to exceed five thousand dollars (\$5,000). The licensee may reject the payment amount determined by the director, and instead be subject to the suspension provisions of subsection (1) of this section. Upon payment of the amount established, the director shall cancel the suspension period. The director shall cause any payment to be paid to the treasurer of the state of Idaho for credit to the state's general account in the state operating fund.

(3) The suspension of a license for the sale of liquor or beer shall automatically result in the suspension of any license for the sale of wine held by the same licensee and issued for the same premises or location. Such additional suspension shall be equal in length to and run concurrently with the period of the original suspension.

(4) When a proceeding to revoke or suspend a license has been or is about to be instituted, during the time a renewal application of such license is pending before the director, the director shall renew the license notwithstanding the pending proceedings, but such renewed license may be revoked or suspended without hearing if and when the previous license is, for any reason, revoked or suspended.

Approved February 22, 2017

CHAPTER 32
(H.B. No. 37)

AN ACT
RELATING TO SCHOOL PROPERTY USE; REPEALING SECTION 33-602, IDAHO CODE, RELATING TO THE USE OF SCHOOL PROPERTY FOR SENIOR CITIZEN CENTERS.

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

SECTION 1. That Section 33-602, Idaho Code, be, and the same is hereby repealed.

Approved February 22, 2017

CHAPTER 33
(H.B. No. 36)

AN ACT
RELATING TO EDUCATION; REPEALING CHAPTER 19, TITLE 33, IDAHO CODE, RELATING TO CERTAIN RESTRICTIONS REGARDING FRATERNITIES, SORORITIES AND SECRET SOCIETIES.

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

SECTION 1. That Chapter 19, Title 33, Idaho Code, be, and the same is hereby repealed.

Approved February 22, 2017

CHAPTER 34
(H.B. No. 54)

AN ACT

RELATING TO FILING FEES; AMENDING SECTION 30-21-214, IDAHO CODE, TO REMOVE AND REVISE FEES CHARGED BY THE SECRETARY OF STATE UNDER THE IDAHO UNIFORM BUSINESS ORGANIZATIONS CODE.

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

SECTION 1. That Section 30-21-214, Idaho Code, be, and the same is hereby amended to read as follows:

30-21-214. FEES. (a) The secretary of state shall collect the following fees for copying and certifying the copy of any filed record:

- (1) Twenty-five cents (25¢) per page for copying; and
- (2) Ten dollars (\$10.00) for the certification.

(b) The secretary of state shall collect the following fees when an entity filing is delivered for filing:

- (1) Statement of merger \$30.00
- (2) Statement of withdrawal \$30.00
- (3) Statement of interest exchange \$30.00
- (4) Statement of abandonment \$30.00
- (5) Statement of conversion \$30.00
- (6) Statement of domestication \$30.00
- (7) Annual report No fee
- (8) Articles of incorporation of a business corporation \$100.00
- (9) Articles of incorporation of a nonprofit corporation \$30.00
- (10) Statement of qualification of a limited liability partnership ...
..... \$100.00
- (11) Certificate of amendment to certificate of assumed business name
..... \$10.00
- (12) Certificate of amendment to certificate of assumed business name
with only an address change No fee
- (13) Certificate of assumed business name \$25.00
- (14) Certificate of cancellation of a certificate of assumed business
name No fee
- (15) Certificate of limited partnership of a limited partnership
..... \$100.00
- (16) Certificate of organization of a limited liability company
..... \$100.00
- (17) Other public organic documents or a statement not otherwise speci-
fied herein \$30.00
- (18) Commercial registered agent listing statement \$100.00
- (19) Commercial registered agent termination statement \$20.00
- (20) Commercial registered agent statement of change \$30.00
- (21) Registered agent statement of resignation No fee
- (22) Statement designating a registered agent \$20.00
- (23) Foreign entity registration statement \$100.00
- (24) Amendment of foreign entity registration statement \$30.00
- ~~(25) Notice of cancellation of foreign entity registration statement .
..... No fee~~
- (265) Statement of withdrawal of foreign entity registration statement
..... \$20.00
- (276) Statement of correction \$30.00
- (287) Application for reinstatement following administrative dissolu-
tion \$30.00
- (298) Statement of dissolution of a limited liability company .. No fee

(3029) Statement of <u>partnership</u> authority	\$100.00
(31) Combined statement of partnership authority and qualification of limited liability partnership	\$100.00
(320) Certificate of existence	\$10.00
(331) Application for use of deceptively similar name	\$20.00
(342) Application for reserved name	\$20.00
(353) Notice of transfer of reserved name	\$20.00
(364) Application for registered name	\$60.00
(375) Application for renewal of registered name	\$60.00
(386) Amendment of articles of incorporation	\$30.00
(397) Restatement of articles of incorporation with amendment of articles	\$30.00
(4038) Articles of dissolution	\$30.00 No fee
(4139) Articles of revocation of dissolution	\$30.00
(420) Certificate of administrative <u>dissolution action</u> .	No fee \$10.00
(43) Certificate of reinstatement	No fee
(441) Certificate of judicial dissolution	No fee
(452) Statement of termination	\$30.00

(c) The withdrawal under section 30-21-204, Idaho Code, of a filed record before it is effective or the correction of a filed record under section 30-21-205, Idaho Code, does not entitle the person on whose behalf the record was filed to a refund of the filing fee.

(d) The secretary of state shall collect a surcharge of twenty dollars (\$20.00) for providing evidence of filing an entity filing within eight (8) working hours after the entity filing is delivered for filing.

(e) The secretary of state shall collect a surcharge of twenty dollars (\$20.00) for filing any non-typed record or any record that is not on a standard form ~~proseribed~~ prescribed by the secretary of state, except no surcharge will be collected for a non-typed certificate of assumed business name or a certificate of amendment to certificate of assumed business name.

Approved February 22, 2017

CHAPTER 35
(H.B. No. 58)

AN ACT

RELATING TO TEACHING CERTIFICATES; REPEALING SECTION 33-1206, IDAHO CODE, RELATING TO TEACHING CERTIFICATES OBTAINED DURING OR PRIOR TO 1947.

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

SECTION 1. That Section 33-1206, Idaho Code, be, and the same is hereby repealed.

Approved February 22, 2017

CHAPTER 36
(H.B. No. 77)

AN ACT

RELATING TO DISCLOSURE OF INFORMATION; AMENDING SECTION 39-270, IDAHO CODE,
TO PROVIDE A CORRECT CODE REFERENCE 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 39-270, Idaho Code, be, and the same is hereby amended to read as follows:

39-270. DISCLOSURE OF INFORMATION. (a) Certificates and records in the custody of the state registrar shall be open to inspection subject to the provisions of this chapter and the rules of the board, the provisions of section 9-302 74-102, Idaho Code, to the contrary notwithstanding; and it shall be unlawful for any state or local official or employee under this chapter to disclose any data contained in the records, except as authorized by this chapter and the rules of the board.

(b) A complete copy, or any part of a certificate, may be issued to any applicant who can show direct and tangible interest in the record for which he applies. A complete copy, or any part of a certificate, shall be issued upon request to a state, federal or local public agency for child support enforcement purposes pursuant to chapters 10, 11 and 12, title 7, Idaho Code, and sections 16-1628, 20-524, 32-710A, and 56-203, Idaho Code, or for the purpose of investigation of fraud related to benefit payments. Subject to such provisions as the board may prescribe, data contained on records may be used by federal, state or municipal agencies for the purpose of verification of data.

(c) As provided in chapter 1, title 74, Idaho Code, data contained on records may be used for research, public health or statistical purposes. No lists of registration shall be compiled for public use.

(d) The manner of keeping local records and the use thereof shall be prescribed by the board, in keeping with the provisions of this section.

(e) When one hundred (100) years have elapsed after the date of birth, or fifty (50) years have elapsed after the date of death, stillbirth, marriage or divorce, the records of these events in the custody of the state registrar shall become public records and information shall be made available in accordance with chapter 1, title 74, 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 February 22, 2017

CHAPTER 37
(H.B. No. 112)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE EXECUTIVE OFFICE OF THE GOVERNOR FOR FISCAL YEAR 2017; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to the appropriation made in Section 1, Chapter 301, Laws of 2016, and any other appropriation provided for by law, there is hereby appropriated from the General Fund to the Executive Office of the Governor, for the Administration - Governor's Office Program, the following amounts to be expended for the designated expense classes, for the period July 1, 2016, through June 30, 2017:

FOR:

Personnel Costs	\$54,500
Operating Expenditures	<u>10,400</u>
TOTAL	\$64,900

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 February 22, 2017

CHAPTER 38
(S.B. No. 1005)

AN ACT

RELATING TO CHILD PROTECTION; AMENDING SECTION 16-1602, IDAHO CODE, TO REVISE DEFINITIONS AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 16-1602, Idaho Code, be, and the same is hereby amended to read as follows:

16-1602. DEFINITIONS. For purposes of this chapter:

(1) "Abused" means any case in which a child has been the victim of:

(a) Conduct or omission resulting in skin bruising, bleeding, malnutrition, burns, fracture of any bone, subdural hematoma, soft tissue swelling, failure to thrive or death, and such condition or death is not justifiably explained, or where the history given concerning such condition or death is at variance with the degree or type of such condition or death, or the circumstances indicate that such condition or death may not be the product of an accidental occurrence; or

(b) Sexual conduct, including rape, molestation, incest, prostitution, obscene or pornographic photographing, filming or depiction for commercial purposes, human trafficking as defined in section 18-8602, Idaho Code, or other similar forms of sexual exploitation harming or threatening the child's health or welfare or mental injury to the child.

(2) "Abandoned" means the failure of the parent to maintain a normal parental relationship with his child including, but not limited to, reason-

able support or regular personal contact. Failure to maintain this relationship without just cause for a period of one (1) year shall constitute prima facie evidence of abandonment.

(3) "Adaptive equipment" means any piece of equipment or any item that is used to increase, maintain or improve the parenting capabilities of a parent with a disability.

(4) "Adjudicatory hearing" means a hearing to determine:

(a) Whether the child comes under the jurisdiction of the court pursuant to the provisions of this chapter;

(b) Whether continuation of the child in the home would be contrary to the child's welfare and whether the best interest of the child requires protective supervision or vesting legal custody of the child in an authorized agency.

(5) "Age of developmentally appropriate" means:

(a) Activities that are generally accepted as suitable for children of the same chronological age or level of maturity or that are determined to be developmentally appropriate for a child, based on the development of cognitive, emotional, physical and behavioral capacities that are typical for an age or age group; and

(b) In the case of a specific child, activities or items that are suitable for the child based on the developmental stages attained by the child with respect to the cognitive, emotional, physical and behavioral capacities of the child.

(6) "Aggravated circumstances" includes, but is not limited to:

(a) Circumstances in which the parent has engaged in any of the following:

(i) Abandonment, chronic abuse or chronic neglect of the child. Chronic neglect or chronic abuse of a child shall consist of abuse or neglect that is so extreme or repetitious as to indicate that return of the child to the home would result in unacceptable risk to the health and welfare of the child.

(ii) Sexual abuse against a child of the parent. Sexual abuse, for the purposes of this section, includes any conduct described in section 18-1506, 18-1506A, 18-1507, 18-1508, 18-1508A, 18-6101, ~~or 18-6608 or 18-8602~~, Idaho Code.

(iii) Torture of a child; any conduct described in the code sections listed in section 18-8303(1), Idaho Code; battery or an injury to a child that results in serious or great bodily injury to a child; voluntary manslaughter of a child, or aiding or abetting such voluntary manslaughter, soliciting such voluntary manslaughter or attempting or conspiring to commit such voluntary manslaughter;

(b) The parent has committed murder, aided or abetted a murder, solicited a murder or attempted or conspired to commit murder; or

(c) The parental rights of the parent to another child have been terminated involuntarily.

(7) "Authorized agency" means the department, a local agency, a person, an organization, corporation, benevolent society or association licensed or approved by the department or the court to receive children for control, care, maintenance or placement.

(8) "Caregiver" means a foster parent with whom a child in foster care has been placed or a designated official for a child care institution in which a child in foster care has been placed.

(9) "Case plan hearing" means a hearing to approve, modify or reject the case plan as provided in section 16-1621, Idaho Code.

(10) "Child" means an individual who is under the age of eighteen (18) years.

(11) "Child advocacy center" or "CAC" means an organization that adheres to national best practice standards established by the national

membership and accrediting body for children's advocacy centers and that promotes a comprehensive and coordinated multidisciplinary team response to allegations of child abuse by maintaining a child-friendly facility at which appropriate services are provided. These services may include forensic interviews, forensic medical examinations, mental health services and other related victim services.

(12) "Circumstances of the child" includes, but is not limited to, the joint legal custody or joint physical custody of the child.

(13) "Commit" means to transfer legal and physical custody.

(14) "Concurrent planning" means a planning model that prepares for and implements different outcomes at the same time.

(15) "Court" means district court or magistrate's division thereof, or if the context requires, a magistrate or judge thereof.

(16) "Custodian" means a person, other than a parent or legal guardian, to whom legal or joint legal custody of the child has been given by court order.

(17) "Department" means the department of health and welfare and its authorized representatives.

(18) "Disability" means, with respect to an individual, any mental or physical impairment which substantially limits one (1) or more major life activity of the individual including, but not limited to, self-care, manual tasks, walking, seeing, hearing, speaking, learning or working, or a record of such an impairment, or being regarded as having such an impairment. Disability shall not include transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, other sexual behavior disorders, or substance use disorders, compulsive gambling, kleptomania or pyromania. Sexual preference or orientation is not considered an impairment or disability. Whether an impairment substantially limits a major life activity shall be determined without consideration of the effect of corrective or mitigating measures used to reduce the effects of the impairment.

(19) "Family or household member" shall have the same meaning as in section 39-6303(6), Idaho Code.

(20) "Foster care" means twenty-four (24) hour substitute parental care for children placed away from their parents or guardians by persons who may or may not be related to the children and for whom the state agency has placement and care responsibility.

(21) "Foster parent" means a person or persons licensed to provide foster care.

(22) "Grant administrator" means the supreme court or any organization or agency as may be designated by the supreme court in accordance with such procedures as may be adopted by the supreme court. The grant administrator shall administer funds from the guardian ad litem account in accordance with the provisions of this chapter.

(23) "Guardian ad litem" means a person appointed by the court pursuant to a guardian ad litem volunteer program to act as special advocate for a child under this chapter.

(24) "Guardian ad litem coordinator" means a person or entity receiving moneys from the grant administrator for the purpose of carrying out any of the duties set forth in section 16-1632, Idaho Code.

(25) "Guardian ad litem program" means the program to recruit, train and coordinate volunteer persons to serve as guardians ad litem for abused, neglected or abandoned children.

(26) "Homeless," as used in this chapter, shall mean that the child is without adequate shelter or other living facilities, and the lack of such shelter or other living facilities poses a threat to the health, safety or well-being of the child.

(27) "Idaho network of children's advocacy centers" means an organization that provides education and technical assistance to child advocacy cen-

ters and to interagency multidisciplinary teams developed pursuant to section 16-1617, Idaho Code.

(28) "Law enforcement agency" means a city police department, the prosecuting attorney of any county, state law enforcement officers, or the office of a sheriff of any county.

(29) "Legal custody" means a relationship created by court order, which vests in a custodian the following rights and responsibilities:

(a) To have physical custody and control of the child, and to determine where and with whom the child shall live.

(b) To supply the child with food, clothing, shelter and incidental necessities.

(c) To provide the child with care, education and discipline.

(d) To authorize ordinary medical, dental, psychiatric, psychological, or other remedial care and treatment for the child, including care and treatment in a facility with a program of services for children, and to authorize surgery if the surgery is deemed by two (2) physicians licensed to practice in this state to be necessary for the child.

(e) Where the parents share legal custody, the custodian may be vested with the custody previously held by either or both parents.

(30) "Mental injury" means a substantial impairment in the intellectual or psychological ability of a child to function within a normal range of performance and/or behavior, for short or long terms.

(31) "Neglected" means a child:

(a) Who is without proper parental care and control, or subsistence, medical or other care or control necessary for his well-being because of the conduct or omission of his parents, guardian or other custodian or their neglect or refusal to provide them; however, no child whose parent or guardian chooses for such child treatment by prayers through spiritual means alone in lieu of medical treatment shall be deemed for that reason alone to be neglected or lack parental care necessary for his health and well-being, but this subsection shall not prevent the court from acting pursuant to section 16-1627, Idaho Code; or

(b) Whose parents, guardian or other custodian are unable to discharge their responsibilities to and for the child and, as a result of such inability, the child lacks the parental care necessary for his health, safety or well-being; or

(c) Who has been placed for care or adoption in violation of law; or

(d) Who is without proper education because of the failure to comply with section 33-202, Idaho Code.

(32) "Permanency hearing" means a hearing to review, approve, reject or modify the permanency plan of the department, and review reasonable efforts in accomplishing the permanency plan.

(33) "Permanency plan" means a plan for a continuous residence and maintenance of nurturing relationships during the child's minority.

(34) "Protective order" means an order issued by the court in a child protection case, prior to the adjudicatory hearing, to enable the child to remain in the home pursuant to section 16-1615(5) (f), Idaho Code. Such an order shall be in the same form and have the same effect as a domestic violence protection order issued pursuant to chapter 63, title 39, Idaho Code. A protective order shall be for a period not to exceed three (3) months unless otherwise stated in the order.

(35) "Protective supervision" is a legal status created by court order in a child protective case whereby the child is in the legal custody of his or her parent(s), guardian(s) or other legal custodian(s), subject to supervision by the department.

(36) "Psychotropic medication" means a drug prescribed to affect psychological functioning, perception, behavior or mood. Psychotropic medications include, but are not limited to, antidepressants, mood stabilizers,

antipsychotics, ~~anti-anxiety~~ antianxiety medications, sedatives and stimulants.

(37) "Reasonable and prudent parent standard" means the standard of care characterized by careful and sensible parental decisions that maintain the health, safety and best interests of a child while simultaneously encouraging the emotional and developmental growth of the child, that a caregiver shall use when determining whether to allow a child in foster care under the responsibility of the state to participate in extracurricular, enrichment, cultural or social activities.

(38) "Relative" means a child's grandparent, great grandparent, aunt, great aunt, uncle, great uncle, brother-in-law, sister-in-law, first cousin, sibling and half-sibling.

(39) "Residual parental rights and responsibilities" means those rights and responsibilities remaining with the parents after the transfer of legal custody including, but not necessarily limited to, the right of visitation, the right to consent to adoption, the right to determine religious affiliation, the right to family counseling when beneficial, and the responsibility for support.

(40) "Shelter care" means places designated by the department for temporary care of children pending court disposition or placement.

(41) "Supportive services," as used in this chapter, shall mean services ~~which that~~ assist parents with a disability to compensate for those aspects of their disability ~~which that~~ affect their ability to care for their child and ~~which that~~ will enable them to discharge their parental responsibilities. The term includes specialized or adapted training, evaluations or assistance with effectively using adaptive equipment and accommodations ~~which that~~ allow parents with a disability to benefit from other services including, but not limited to, Braille texts or sign language interpreters.

Approved February 28, 2017

CHAPTER 39
(S.B. No. 1016)

AN ACT

RELATING TO THE BOARD OF TAX APPEALS; AMENDING SECTION 63-3804, IDAHO CODE,
TO INCREASE DAILY COMPENSATION FOR MEMBERS OF THE BOARD OF TAX APPEALS.

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

SECTION 1. That Section 63-3804, Idaho Code, be, and the same is hereby amended to read as follows:

63-3804. COMPENSATION. Each member of the board shall be compensated in the amount of ~~two~~ three hundred dollars (\$2300) per day and shall be reimbursed for actual and necessary expenses, subject to the limits provided in section 67-2008, Idaho Code.

Approved February 28, 2017

CHAPTER 40
(S.B. No. 1028)

AN ACT

RELATING TO THE IDAHO UNDERGROUND STORAGE TANK ACT; AMENDING CHAPTER 88, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-8813, IDAHO CODE, TO PROVIDE FOR THE IDAHO UNDERGROUND STORAGE TANK PROGRAM FUND.

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

SECTION 1. That Chapter 88, 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 39-8813, Idaho Code, and to read as follows:

39-8813. IDAHO UNDERGROUND STORAGE TANK PROGRAM FUND. (1) All moneys received from fees collected from all regulated underground storage tanks shall be forwarded to the department and shall be paid into the Idaho underground storage tank program fund, which is hereby created in the office of the state treasurer.

(2) Such moneys and all interest earned thereon shall be kept in the Idaho underground storage tank program fund and shall be expended for compliance, training, technical, legal and administrative support necessary for implementing the program required under the Idaho underground storage tank act as provided in this chapter.

(3) Costs and expenses incurred by the department in performing the duties, and the exercise of its powers in carrying out the underground storage tank program, shall be paid out of the fund.

(4) Idle moneys in the Idaho underground storage tank program fund established in this section shall be invested by the state treasurer as provided in section 67-1210, Idaho Code. Interest earned on all such investments shall be paid into the fund. Moneys in the fund may be expended pursuant to appropriation.

Approved February 28, 2017

CHAPTER 41
(S.B. No. 1032)

AN ACT

RELATING TO ANTICIPATION OF REVENUES IN THE PERMANENT BUILDING FUND; AMENDING SECTION 57-1112, IDAHO CODE, TO REMOVE OBSOLETE STATUTORY AND SESSION LAW REFERENCES; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 57-1112, Idaho Code, be, and the same is hereby amended to read as follows:

57-1112. ANTICIPATION OF REVENUES IN PERMANENT BUILDING FUND. The state treasurer is hereby authorized and directed to anticipate the revenues in the permanent building fund by the issuance of tax anticipation notes in accordance with authority conferred by sections 63-3201, 63-3202, 63-3203, and 63-3204, and ~~63-3205~~, Idaho Code, as ~~amended by chapter 172, Idaho Session Laws of 1957~~, and in accordance with the procedures and subject to the limitations provided in those sections, as amended, in the same manner as though the revenues in the general fund were being anticipated.

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 February 28, 2017

CHAPTER 42
(S.B. No. 1042)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR THE DIVISION OF PUBLIC WORKS FOR FISCAL YEAR 2017; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to the appropriation made in Section 3, Chapter 372, Laws of 2016, and any other appropriation provided for by law, there is hereby appropriated \$384,100 from the Permanent Building Fund to the Department of Administration for the Division of Public Works, to be expended for capital outlay, for the period July 1, 2016, through June 30, 2017, for the purpose of renovating the basement of the Supreme Court Building.

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 February 28, 2017

CHAPTER 43
(H.B. No. 20)

AN ACT

RELATING TO VEHICLES; AMENDING SECTION 49-457, IDAHO CODE, TO PROVIDE FOR PLUG-IN HYBRID VEHICLE FEES, TO PROVIDE AN EXCEPTION REGARDING FEES FOR ELECTRIC VEHICLES, TO REVISE FEE PROVISIONS REGARDING CERTAIN HYBRID VEHICLES AND TO REVISE A DEFINITION; AMENDING SECTION 40-701, IDAHO CODE, TO PROVIDE FOR THE APPORTIONMENT OF FEES FOR CERTAIN ELECTRIC AND PLUG-IN HYBRID VEHICLES; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 49-457, Idaho Code, be, and the same is hereby amended to read as follows:

49-457. ELECTRIC VEHICLE FEE -- PLUG-IN HYBRID VEHICLE FEE. (1) An electric vehicle fee of one hundred forty dollars (\$140) shall be collected in addition to all other registration fees assessed pursuant to this chapter on each electric vehicle registered. Provided however, the provisions of this subsection shall not apply to neighborhood electric vehicles as defined in sections 49-115 and 49-123, Idaho Code.

(2) A plug-in hybrid vehicle fee of seventy-five dollars (\$75.00) shall be collected in addition to all other registration fees assessed pursuant to this chapter on each plug-in hybrid vehicle registered.

(3) All fees provided for in this section shall be deposited to the highway distribution account as established in section 40-701, Idaho Code, and shall be apportioned as provided for in that section.

(4) For purposes of this chapter, "electric vehicle" means a vehicle powered only by a form of electricity and "plug-in hybrid vehicle" means a motor vehicle with a hybrid propulsion system that operates on both an ~~alter-native fuel, including electricity,~~ obtained from the grid and traditional fuel.

SECTION 2. That Section 40-701, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

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

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

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

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

(b) Fifty-seven percent (57%) to the state highway account established in section 40-702, Idaho Code; and

(c) Five percent (5%) to the law enforcement account, established in section 67-2914, Idaho Code. The state controller shall cause the remittance of the moneys apportioned to local units of government not later than January 25, April 25, July 25 and October 25 of each year, and to the state highway account and the law enforcement account as the moneys become available to the highway distribution account.

(3) All new revenues generated by increases in registration fees and fees on electric and hybrid vehicles pursuant to the provisions of House Bill No. 312, as amended in the Senate, as amended in the Senate, during the first regular session of the sixty-third Idaho legislature, and all revenues generated by fees on electric and plug-in hybrid vehicles pursuant to the provisions of section 49-457, Idaho Code, shall be apportioned as follows:

(a) Forty percent (40%) to local units of government as provided in section 40-709, Idaho Code; and

(b) Sixty percent (60%) to the state highway account established in section 40-702, Idaho Code.

(4) Interest earned on the investment of idle moneys in the highway distribution account shall be paid to the highway distribution account.

(5) All idle moneys in the dedicated highway trust or asset accounts or subaccounts established from highway user revenues, reimbursements, fees or permits shall be invested by the state treasurer in the same manner as provided under 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 various highway trust or asset accounts and subaccounts.

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.

CHAPTER 44
(H.B. No. 74)

AN ACT

RELATING TO THE PUBLIC CHARTER SCHOOL COMMISSION; AMENDING SECTION 33-5213, IDAHO CODE, TO CLARIFY THE SEQUENCE OF APPOINTMENTS TO THE COMMISSION.

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

SECTION 1. That Section 33-5213, Idaho Code, be, and the same is hereby amended to read as follows:

33-5213. PUBLIC CHARTER SCHOOL COMMISSION. (1) There is hereby created an independent public charter school commission, referred to hereinafter as the commission, to be located in the office of the state board of education, pursuant to section 33-105, Idaho Code. It shall be the responsibility and duty of the executive director of the state board of education, or his designee, acting at the direction of the commission to administer and enforce the provisions of this chapter, and the director or his designee shall serve as secretary to the commission.

(2) The public charter school commission shall adopt policies, subject to law, regarding the governance and administration of the commission and make recommendations to the state board of education regarding the oversight of public charter schools.

(3) The commission shall be composed of seven (7) members:

(a) Three (3) members shall be appointed by the governor, subject to the advice and consent of the senate;

(b) Two (2) members shall be appointed by the speaker of the house of representatives; and

(c) Two (2) members shall be appointed by the president pro tempore of the senate.

Commissioner appointments made pursuant to this section prior to July 1, 2013, shall remain valid through the duration of the term to which each commissioner was appointed. To establish a transition to the appointing authority structure contained in this subsection, the first four (4) appointments available on or after July 1, 2013, shall be made in an alternating sequence for each appointment by the speaker of the house of representatives and, the president pro tempore of the senate, followed by three (3) appointments by and the governor. Notwithstanding this sequence of appointments, at no time may any appointing authority appoint more members of the commission than permitted under this subsection. Subsequent appointments shall be made by the same appointing authority that originally appointed the commissioner whose term expired.

(4) The term of office for commission members shall be four (4) years. In making such appointments, the appointing authorities shall consider regional balance. Members appointed to the commission shall collectively possess strong experience and expertise in public and nonprofit governance, management and finance, public school leadership, assessment, curriculum and instruction and public education law. All members of the commission shall have demonstrated understanding of and commitment to charter schools as a strategy for strengthening public education. No commissioner shall serve more than two (2) consecutive four (4) year terms. Members of the commission shall hold office until the expiration of the term to which the member was appointed and until a successor has been duly appointed, unless sooner removed for cause by the appointing authority. Whenever a vacancy occurs, the appointing authority shall appoint a qualified person to fill the vacancy for the unexpired portion of the term.

(5) All members of the commission shall be citizens of the United States and residents of the state of Idaho for not less than two (2) years.

(6) The members of the commission shall, at their first regular meeting following the effective date of this act, and every two (2) years thereafter, elect, by a majority vote of the members of the commission, a chairman and a vice-chairman. The chairman shall preside at meetings of the commission, and the vice-chairman shall preside at such meetings in the absence of the chairman. A majority of the members of the commission shall constitute a quorum. The commission shall meet at such times and places as determined to be necessary and convenient, or at the call of the chair.

(7) Each member of the commission not otherwise compensated by public moneys shall be compensated as provided in section 59-509(h), Idaho Code.

Approved February 28, 2017

CHAPTER 45
(H.B. No. 75)

AN ACT

RELATING TO EDUCATION; REPEALING SECTION 33-2006, IDAHO CODE, RELATING TO THE EDUCATION OF CERTAIN EXPECTANT MOTHERS; AMENDING SECTION 33-1002, IDAHO CODE, TO REMOVE A PROVISION REGARDING THE FUNDING OF A CERTAIN ALLOWANCE; AMENDING SECTION 33-1002, IDAHO CODE, AS AMENDED BY SECTION 5, CHAPTER 374, LAWS OF 2016, TO REMOVE A PROVISION REGARDING THE FUNDING OF A CERTAIN ALLOWANCE; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 33-2006, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Section 33-1002, Idaho Code, be, and the same is hereby amended to read as follows:

33-1002. EDUCATIONAL SUPPORT PROGRAM. The educational support program is calculated as follows:

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

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

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

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

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

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

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

(f) ~~Certain expectant and delivered mothers allowance as provided in section 33-2006, Idaho Code;~~

~~(g) Salary-based apportionment calculated as provided in sections 33-1004 through 33-1004F, Idaho Code;~~

- (hg) Unemployment insurance benefit payments according to the provisions of section 72-1349A, Idaho Code;
- (ih) For expenditure as provided by the public school technology program;
- (ji) For employee severance payments as provided in section 33-521, Idaho Code;
- (kj) For distributions to the Idaho digital learning academy as provided in section 33-1020, Idaho Code;
- (lk) For charter school facilities funds and reimbursements paid pursuant to section 33-5208(5), Idaho Code;
- (ml) For an online course portal as provided for in section 33-1024, Idaho Code;
- (nm) For advanced opportunities as provided for in chapter 46, title 33, Idaho Code;
- (en) For additional math and science courses for high school students as provided in section 33-1021, Idaho Code;
- (po) For leadership premiums as provided in section 33-1004J, Idaho Code;
- (qp) For the support of provisions that provide a safe environment conducive to student learning and maintain classroom discipline, an allocation of three hundred dollars (\$300) per support unit;
- (rq) An amount specified in the appropriation bill for the public schools educational support program for counseling support as provided for in section 33-1212A, Idaho Code, shall be distributed for grades 8 through 12 as follows:
- (i) For school districts and public charter schools with one hundred (100) or more students enrolled in grades 8 through 12, a pro rata distribution based on students enrolled in grades 8 through 12 or ten thousand dollars (\$10,000), whichever is greater;
 - (ii) For school districts and public charter schools with fewer than one hundred (100) students enrolled in grades 8 through 12, one hundred dollars (\$100) per student enrolled in grades 8 through 12 or five thousand dollars (\$5,000), whichever is greater;
- (sr) An amount specified in the public schools educational support program appropriation bill for literacy intervention pursuant to section 33-1616, Idaho Code, the disbursements made to the school districts and public charter schools in the aggregate shall not exceed the total amount appropriated for this purpose and shall be based on the actual costs of such intervention programs. School districts and public charter schools shall be reimbursed in full or in pro rata based on the average number of students in kindergarten through grade 3 who score basic or below basic on the fall statewide reading assessment in the prior three (3) years;
- (ts) For mastery-based education as provided for in section 33-1630, Idaho Code; and
- (ut) Any additional amounts as required by statute to effect administrative adjustments or as specifically required by the provisions of any bill of appropriation;

to secure the total educational support distribution funds.

(3) Average Daily Attendance. The total state average daily attendance shall be the sum of the average daily attendance of all of the school districts of the state. The state board of education shall establish rules setting forth the procedure to determine average daily attendance and the time for, and method of, submission of such report. Average daily attendance calculation shall be carried out to the nearest hundredth. Computation of average daily attendance shall also be governed by the provisions of section 33-1003A, Idaho Code.

(4) Support Units. The total state support units shall be determined by using the tables set out hereafter called computation of kindergarten support units, computation of elementary support units, computation of secondary support units, computation of exceptional education support units, and computation of alternative school support units. The sum of all of the total support units of all school districts of the state shall be the total state support units.

COMPUTATION OF KINDERGARTEN SUPPORT UNITS

Average Daily

Attendance	Attendance Divisor	Units Allowed
41 or more....	40.....	1 or more as computed
31 - 40.99 ADA....	-.....	1
26 - 30.99 ADA....	-.....	.85
21 - 25.99 ADA....	-.....	.75
16 - 20.99 ADA....	-.....	.6
8 - 15.99 ADA....	-.....	.5
1 - 7.99 ADA....	-.....	count as elementary

COMPUTATION OF ELEMENTARY SUPPORT UNITS

Average Daily

Attendance	Attendance Divisor	Minimum Units Allowed
300 or more ADA.....	.....	.. 15
	..23...grades 4,5 & 6....	
	..22...grades 1,2 & 3....1994-95	
	..21...grades 1,2 & 3....1995-96	
	..20...grades 1,2 & 3....1996-97	
	and each year thereafter.	
160 to 299.99 ADA...	20.....	8.4
110 to 159.99 ADA...	19.....	6.8
71.1 to 109.99 ADA...	16.....	4.7
51.7 to 71.0 ADA...	15.....	4.0
33.6 to 51.6 ADA...	13.....	2.8
16.6 to 33.5 ADA...	12.....	1.4
1.0 to 16.5 ADA...	n/a.....	1.0

COMPUTATION OF SECONDARY SUPPORT UNITS

Average Daily

Attendance	Attendance Divisor	Minimum Units Allowed
750 or more....	18.5.....	47
400 - 749.99 ADA....	16.....	28
300 - 399.99 ADA....	14.5.....	22
200 - 299.99 ADA....	13.5.....	17
100 - 199.99 ADA....	12.....	9

99.99 or fewer	Units allowed as follows:	
Grades 7-12	.....	8
Grades 9-12	.....	6
Grades 7- 9	.....	1 per 14 ADA
Grades 7- 8	.....	1 per 16 ADA

COMPUTATION OF EXCEPTIONAL EDUCATION SUPPORT UNITS

Average Daily		Minimum Units
Attendance	Attendance Divisor	Allowed
14 or more....	14.5	1 or more as computed
12 - 13.99....	-	1
8 - 11.99....	- .....	.75
4 - 7.99....	- .....	.5
1 - 3.99....	- .....	.25

COMPUTATION OF ALTERNATIVE SCHOOL SUPPORT UNITS

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

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

In applying these tables to any given separate attendance unit, no school district shall receive less total money than it would receive if it had a lesser average daily attendance in such separate attendance unit. In applying the kindergarten table to a kindergarten program of fewer days than a full school year, the support unit allowance shall be in ratio to the number of days of a full school year. The attendance of students attending an alternative school in a school district reporting fewer than one hundred (100) secondary students in average daily attendance shall not be assigned to the alternative table if the student is from a school district reporting fewer than one hundred (100) secondary students in average daily attendance, but shall instead be assigned to the secondary table of the school district in which they are attending the alternative school, unless the alternative school in question serves students from multiple districts reporting fewer than one hundred (100) secondary students in average daily attendance. The tables for exceptional education and alternative school support units shall be applicable only for programs approved by the state department of education following rules established by the state board of education. Moneys generated from computation of support units for alternative schools shall be utilized for alternative school programs. School district administrative and facility costs may be included as part of the alternative school expenditures.

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

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

- (a) (i) Divide the actual average daily attendance, excluding students approved for inclusion in the exceptional child educational

program, for the administrative schools and each of the separate schools and attendance units by the appropriate divisor from the tables of support units in this section, then add the quotients to obtain the district's support units allowance for regular students, kindergarten through grade 12 including alternative school students. Calculations in application of this subsection shall be carried out to the nearest hundredth.

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

(iii) The total number of support units of the district shall be the sum of the total support units for regular students, subparagraph (i) of this paragraph, and the support units allowance for the approved exceptional child program, subparagraph (ii) of this paragraph.

(b) Total District Allowance Educational Program. Multiply the district's total number of support units, carried out to the nearest hundredth, by the state distribution factor per support unit and to this product add the approved amount of programs of the district provided in subsection (2) of this section to secure the district's total allowance for the educational support program.

(c) District Share. The district's share of state apportionment is the amount of the total district allowance, paragraph (b) of this subsection.

(d) Adjustment of District Share. The contract salary of every noncertificated teacher shall be subtracted from the district's share as calculated from the provisions of paragraph (c) of this subsection.

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

SECTION 3. That Section 33-1002, Idaho Code, as amended by Section 5, Chapter 374, Laws of 2016, be, and the same is hereby amended to read as follows:

33-1002. EDUCATIONAL SUPPORT PROGRAM. The educational support program is calculated as follows:

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

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

- (a) Pupil tuition-equivalency allowances as provided in section 33-1002B, Idaho Code;
- (b) Transportation support program as provided in section 33-1006, Idaho Code;
- (c) Feasibility studies allowance as provided in section 33-1007A, Idaho Code;
- (d) The approved costs for border district allowance, provided in section 33-1403, Idaho Code, as determined by the state superintendent of public instruction;
- (e) The approved costs for exceptional child approved contract allowance, provided in subsection 2. of section 33-2004, Idaho Code, as determined by the state superintendent of public instruction;
- (f) ~~Certain expectant and delivered mothers allowance as provided in section 33-2006, Idaho Code;~~
- ~~(g)~~ Salary-based apportionment calculated as provided in sections 33-1004 through 33-1004F, Idaho Code;
- (hg) Unemployment insurance benefit payments according to the provisions of section 72-1349A, Idaho Code;
- (ih) For expenditure as provided by the public school technology program;
- (ji) For employee severance payments as provided in section 33-521, Idaho Code;
- (kj) For distributions to the Idaho digital learning academy as provided in section 33-1020, Idaho Code;
- (lk) For charter school facilities funds and reimbursements paid pursuant to section 33-5208(5), Idaho Code;
- (ml) For an online course portal as provided for in section 33-1024, Idaho Code;
- (nm) For advanced opportunities as provided for in chapter 46, title 33, Idaho Code;
- (en) For additional math and science courses for high school students as provided in section 33-1021, Idaho Code;
- (po) For leadership premiums as provided in section 33-1004J, Idaho Code;
- (qp) For master teacher premiums as provided in section 33-1004I, Idaho Code;
- (sq) For the support of provisions that provide a safe environment conducive to student learning and maintain classroom discipline, an allocation of three hundred dollars (\$300) per support unit;
- (tr) An amount specified in the appropriation bill for the public schools educational support program for counseling support as provided for in section 33-1212A, Idaho Code, shall be distributed for grades 8 through 12 as follows:
 - (i) For school districts and public charter schools with one hundred (100) or more students enrolled in grades 8 through 12, a pro rata distribution based on students enrolled in grades 8 through 12 or ten thousand dollars (\$10,000), whichever is greater;
 - (ii) For school districts and public charter schools with fewer than one hundred (100) students enrolled in grades 8 through 12, one hundred dollars (\$100) per student enrolled in grades 8 through 12 or five thousand dollars (\$5,000), whichever is greater;
- (us) An amount specified in the public schools educational support program appropriation bill for literacy intervention pursuant to section 33-1616, Idaho Code, the disbursements made to the school districts and public charter schools in the aggregate shall not exceed the total amount appropriated for this purpose and shall be based on the actual costs of such intervention programs. School districts and public charter schools shall be reimbursed in full or in pro rata based on the

average number of students in kindergarten through grade 3 who score basic or below basic on the fall statewide reading assessment in the prior three (3) years;

(vt) For mastery-based education as provided for in section 33-1630, Idaho Code; and

(wu) Any additional amounts as required by statute to effect administrative adjustments or as specifically required by the provisions of any bill of appropriation;

to secure the total educational support distribution funds.

(3) Average Daily Attendance. The total state average daily attendance shall be the sum of the average daily attendance of all of the school districts of the state. The state board of education shall establish rules setting forth the procedure to determine average daily attendance and the time for, and method of, submission of such report. Average daily attendance calculation shall be carried out to the nearest hundredth. Computation of average daily attendance shall also be governed by the provisions of section 33-1003A, Idaho Code.

(4) Support Units. The total state support units shall be determined by using the tables set out hereafter called computation of kindergarten support units, computation of elementary support units, computation of secondary support units, computation of exceptional education support units, and computation of alternative school support units. The sum of all of the total support units of all school districts of the state shall be the total state support units.

COMPUTATION OF KINDERGARTEN SUPPORT UNITS

Average Daily

Attendance	Attendance Divisor	Units Allowed
41 or more....	40.....	1 or more as computed
31 - 40.99 ADA....	-.....	1
26 - 30.99 ADA....	-.....	.85
21 - 25.99 ADA....	-.....	.75
16 - 20.99 ADA....	-.....	.6
8 - 15.99 ADA....	-.....	.5
1 - 7.99 ADA....	-.....	count as elementary

COMPUTATION OF ELEMENTARY SUPPORT UNITS

Average Daily

Attendance	Attendance Divisor	Minimum Units Allowed
300 or more ADA.....	.....	.. 15
	..23...grades 4,5 & 6....	
	..22...grades 1,2 & 3....1994-95	
	..21...grades 1,2 & 3....1995-96	
	..20...grades 1,2 & 3....1996-97 and each year thereafter.	
160 to 299.99 ADA...	20.....	8.4
110 to 159.99 ADA...	19.....	6.8
71.1 to 109.99 ADA...	16.....	4.7
51.7 to 71.0 ADA...	15.....	4.0
33.6 to 51.6 ADA...	13.....	2.8
16.6 to 33.5 ADA...	12.....	1.4
1.0 to 16.5 ADA...	n/a.....	1.0

COMPUTATION OF SECONDARY SUPPORT UNITS

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

COMPUTATION OF EXCEPTIONAL EDUCATION SUPPORT UNITS

Average Daily Attendance	Attendance Divisor	Minimum Units Allowed
14 or more....	14.5.....	1 or more as computed
12 - 13.99....	-.....	1
8 - 11.99....	-.....	.75
4 - 7.99....	-.....	.5
1 - 3.99....	-.....	.25

COMPUTATION OF ALTERNATIVE SCHOOL SUPPORT UNITS

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

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

In applying these tables to any given separate attendance unit, no school district shall receive less total money than it would receive if it had a lesser average daily attendance in such separate attendance unit. In applying the kindergarten table to a kindergarten program of fewer days than a full school year, the support unit allowance shall be in ratio to the number of days of a full school year. The attendance of students attending an alternative school in a school district reporting fewer than one hundred (100) secondary students in average daily attendance shall not be assigned to the alternative table if the student is from a school district reporting fewer than one hundred (100) secondary students in average daily attendance, but shall instead be assigned to the secondary table of the school district in which they are attending the alternative school, unless the alternative school in question serves students from multiple districts reporting fewer than one hundred (100) secondary students in average daily attendance. The tables for exceptional education and alternative school support units shall be applicable only for programs approved by the state department of education following rules established by the state board of education. Moneys generated from computation of support units for alternative schools shall be utilized for alternative school programs. School district adminis-

trative and facility costs may be included as part of the alternative school expenditures.

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

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

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

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

(iii) The total number of support units of the district shall be the sum of the total support units for regular students, subparagraph (i) of this paragraph, and the support units allowance for the approved exceptional child program, subparagraph (ii) of this paragraph.

(b) Total District Allowance Educational Program. Multiply the district's total number of support units, carried out to the nearest hundredth, by the state distribution factor per support unit and to this product add the approved amount of programs of the district provided in subsection (2) of this section to secure the district's total allowance for the educational support program.

(c) District Share. The district's share of state apportionment is the amount of the total district allowance, paragraph (b) of this subsection.

(d) Adjustment of District Share. The contract salary of every noncertificated teacher shall be subtracted from the district's share as calculated from the provisions of paragraph (c) of this subsection.

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

SECTION 4. Section 3 of this act shall be in full force and effect on and after July 1, 2019.

Approved February 28, 2017

CHAPTER 46
(H.B. No. 124)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF COMMERCE FOR FISCAL YEAR 2017; PROVIDING REAPPROPRIATION AUTHORITY; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to the appropriation made in Section 1, Chapter 251, Laws of 2016, and any other appropriation provided for by law, there is hereby appropriated \$100,000 from the General Fund to the Department of Commerce, to be expended for operating expenditures, for the period July 1, 2016, through June 30, 2017.

SECTION 2. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Department of Commerce, any unexpended and unencumbered balances appropriated or reappropriated in Section 1 of this act for fiscal year 2017, to be used for nonrecurring expenditures, for the period July 1, 2017, through June 30, 2018.

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 February 28, 2017

CHAPTER 47
(H.B. No. 97)

AN ACT

RELATING TO ATTORNEY'S FEES; PROVIDING LEGISLATIVE INTENT; AMENDING SECTION 12-121, IDAHO CODE, TO REVISE PROVISIONS REGARDING ATTORNEY'S FEES IN CIVIL ACTIONS; REPEALING SECTION 1, CHAPTER 263, LAWS OF 1987; AND DECLARING AN EMERGENCY.

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

SECTION 1. LEGISLATIVE INTENT. It is the intent of the Legislature, by enactment of this legislation, to reinstate and make no change to Idaho law on attorney's fees as it existed before the Idaho Supreme Court's decision in *Hoffer v. Shappard*, 2016 Opinion No. 105, September 28, 2016. To accomplish that goal, it is the Legislature's intent that this legislation be construed in harmony with Idaho Supreme Court decisions on attorney's fees that were issued before *Hoffer v. Shappard*.

SECTION 2. That Section 12-121, Idaho Code, be, and the same is hereby amended to read as follows:

12-121. ATTORNEY'S FEES. In any civil action, the judge may award reasonable attorney's fees to the prevailing party or parties, ~~provided that this when the judge finds that the case was brought, pursued or defended frivolously, unreasonably or without foundation.~~ This section shall not alter, repeal or amend any statute which ~~that~~ otherwise provides for the award of attorney's fees. The term "party" or "parties" is defined to include any person, partnership, corporation, association, private organization, the state of Idaho or political subdivision thereof.

SECTION 3. That Section 1, Chapter 263, Laws of 1987, be, and the same is hereby repealed.

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 1, 2017

CHAPTER 48
(H.B. No. 153)

AN ACT

RELATING TO FOREST LANDS TAXATION; AMENDING SECTION 63-1705, IDAHO CODE, TO EXTEND A SUNSET DATE REGARDING THE USE OF CERTAIN CRITERIA RELATING TO TIMBER PRODUCTIVITY VALUATION AND TO FOREST MANAGEMENT COST ALLOWANCES AND TO MAKE TECHNICAL CORRECTIONS; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

SECTION 1. That Section 63-1705, Idaho Code, be, and the same is hereby amended to read as follows:

63-1705. TAXATION OF FOREST LANDS UNDER THE PRODUCTIVITY OPTION. (1) In order to encourage private forest landowners to retain and improve their holdings of forest lands and to promote better forest management, forest lands subject to this option shall be appraised, assessed and taxed as real property under the provisions of this section.

(2) The forest land value shall be determined by the timber productivity valuation process, as provided for in the committee on forest land taxation methodologies (CFTM), user's guide to the timber productivity option's valuation method - 2005 (Schlosser, January 1, 2005, Moscow, Idaho), referred to in this chapter as the "user's guide," on file with the Idaho state tax commission, available on the website of the Idaho state tax commission, and which shall be made available in the office of each county assessor, which values the net wood production over a reasonable rotation period plus other agricultural-related income, if any, less annualized custodial expenses as defined in section 63-1701, Idaho Code. Pursuant to the provisions of this section, the inventory of forest products shall not be included as part of the valuation of the forest land as provided in section 63-602W, Idaho Code. The state tax commission shall promulgate rules relating to the timber productivity valuation process, including custodial expenses, as provided for in the user's guide and the provisions of this chapter.

(3) The market value for assessment purposes shall be determined annually by the county assessor using the timber productivity valuation process developed by the CFTM, and as further prescribed in rule. Effective January 1, 2012, the forest land values for taxation purposes will be floored at the 2011 valuation level of all four (4) of the forest value zones for the next ten (10) year period. The ceiling for taxation purposes for forest land values during such ten (10) year period will be capped at thirty percent (30%) above the 2011 forest land values. The annual changes for taxation purposes shall be limited to not more than a five percent (5%) annual increase or decrease from the immediate prior year based upon the 2005 "user's guide" valuation model, provided however, that no decrease shall be in an amount less than the established floor nor increase above the established ceiling.

Actual annual valuation calculations shall also be tracked, though not necessarily utilized for taxation purposes. Actual annual valuation calculations may drop below the floor or rise above the ceiling. Forest land values derived by the model will be used as the forest land value for taxation purposes only when the derived value is between the floor and the ceiling. Furthermore, the actual annual valuation calculations shall not exceed a five percent (5%) adjustment from the previous year's valuation calculation. When the model-derived values for a given year are below the floor, the forest land value for taxation purposes will be equal to the floor value for that year. When the model-derived values in a given year are above the ceiling, the forest land value for taxation purposes will be equal to the ceiling for that year.

Notwithstanding any other provision of law, the state tax commission is authorized to cite the user's guide in its rules and shall:

(a) Divide the state into appropriate forest valuation zones, with each zone designated so as to recognize the uniqueness of marketing areas, timber types, growth rates, access, operability, and other pertinent factors of that zone;

(b) Establish a uniform system of forest land classification which that considers the productive capacity of the soil to grow forest products and furnish other associated agricultural uses;

(c) Provide for the annual input to the timber productivity valuation process including the stumpage value, rotation length, mean annual increment, guiding discount rate, annualized custodial expenses, appropriate property tax rates, and real price appreciation rate of stumpage according to the user's guide. The guiding discount rate and the real price appreciation rate for timber products shall remain constant at four percent (4%) and one and one-quarter percent (1.25%), respectively, until January 1, 2017~~22~~;

(d) Upon the recommendation of the CFTM or when deemed appropriate by the commission according to evidence of significant trends in custodial expenses, conduct a forest management cost study; provided however, that such forest management cost study shall be no more frequent than five (5) years from the previous forest management cost study. The forest management cost study and a report shall be provided to the CFTM following a recommendation of any changes in custodial expenses and the CFTM shall determine whether the cost study will be incorporated into the forest land valuation process. The forest management cost allowance (FMCA) will continue to be calculated based on the 2004 CFTM negotiated custodial rates and indexed by the adjustment in the ten (10) year rolling average changes in the producer price index (PPI), as has been done by the Idaho state tax commission since 2005, and this will remain in effect until January 1, 2017~~22~~; and

(e) Provide for any additional data as needed.

(4) The state tax commission shall, by March 1 of each year, furnish all input for the timber productivity valuation process to the county assessor.

(5) Stumpage values shall be based upon the preceding five (5) year rolling average value of timber harvested within the forest value zone from state timber sales and/or the best available data for the same five (5) year period. Average agricultural-related income and the average expense component for each forest value zone shall be determined for the same time period as the period used to determine average stumpage values.

(6) Forest lands upon which, at any time after January 1, 1982, the trees are destroyed by fire, disease, insect infestation or other natural disaster such that the lands affected will not meet minimum stocking requirements under rules adopted pursuant to chapter 13, title 38, Idaho Code, shall be eligible for a reduction in value for the first ten (10) property tax years following the loss. The amount of reduction shall be determined by dividing the average age of the trees destroyed by the rotation age for the specific forest productivity class appropriate for the affected acres. In no instance shall the annual reduction exceed eighty percent (80%) of the original forest value per year. In order to obtain a reduction, the landowner shall, on or before January 1, following the destruction, make written application to the assessor indicating the legal description of the lands in question and stating all pertinent facts. The assessor may investigate the facts and may request assistance from the state tax commission in performing such investigations. If the requirements are met, such forest lands shall be assessed and taxed on the reduced basis herein provided.

(7) Buildings and other improvements, other than roads, located on forest lands shall be appraised, assessed and taxed as provided by applicable laws and rules.

(8) There is created within the Idaho state tax commission the CFTM. The membership of the CFTM shall be:

(a) A nonvoting chairman who shall be the member of the Idaho state tax commission assigned to property tax matters;

(b) Four (4) members who are representing business entities owning ~~not less~~ no fewer than five thousand (5,000) acres of Idaho forest land, provided that there shall be only one (1) representative for each individual business entity and provided further that affiliated business entities shall be considered a single business entity for the purposes of this section. The business entity employing such member shall designate a successor member at its discretion. If a vacancy occurs among the representatives of forest landowners owning ~~not less~~ no fewer than five thousand (5,000) acres, a replacement member will be selected by the remaining members qualifying under the provisions of this section;

(c) One (1) member selected from the membership of the Idaho forest owners' association;

(d) Five (5) members selected from the membership of the Idaho association of counties; and

(e) The state superintendent of public instruction or his/her designee, in a nonvoting capacity.

The CFTM may retain a forest economist selected by a majority of its members to advise the CFTM.

The costs of each CFTM member shall be borne by the respective member. The fees and costs of the forest economist shall be borne as determined by the CFTM.

The CFTM may prepare and deliver written reports to the house of representatives revenue and taxation committee and the senate local government and taxation committees of its findings and recommendations for legislation as the need may arise. The CFTM may meet periodically as determined by its chairman or the CFTM.

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, 2017.

Approved March 1, 2017

CHAPTER 49
(S.B. No. 1004)

AN ACT

RELATING TO THE BOARD OF NURSING; AMENDING SECTION 54-1403, IDAHO CODE, TO REVISE PROVISIONS REGARDING COMPENSATION FOR MEMBERS OF THE BOARD OF NURSING AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 54-1403, Idaho Code, be, and the same is hereby amended to read as follows:

54-1403. BOARD OF NURSING. (1) Appointment, Removal and Term of Office. There is hereby created within the department of self-governing agencies the board of nursing for the state of Idaho composed of nine (9) members appointed by the governor. Membership of the board shall consist of the following:

- (a) Five (5) persons licensed to practice registered nursing in Idaho, of whom three (3) shall be educated at the associate degree level provided that one (1) of these may be a diploma nurse, and two (2) of whom shall be educated at the baccalaureate, master's or doctoral level;
- (b) Two (2) persons licensed to practice practical nursing in Idaho;
- (c) One (1) person licensed as an advanced practice registered nurse; and
- (d) One (1) person who is a lay person to health care occupations.

In making appointments to the board, consideration shall be given to the board's responsibility in areas of education and practice. Persons may be reappointed to the board ~~so~~ as long as they meet the qualifications of the position to which they were originally appointed. In the event that a member has attained an additional degree of education, ~~they~~ that member may not be reappointed to represent the board position designated for another specific degree of education. Members of the board shall hold office until expiration of the term to which the member was appointed and until his successor has been duly appointed and qualified. Upon expiration of any term or creation of any vacancy, the board shall notify the governor thereof, who then shall make such appointment or fill such vacancy within sixty (60) days. Appointments shall be for terms of four (4) years except appointments to vacancies which shall be for the unexpired term being filled. No member shall be appointed for more than three (3) consecutive terms. All board members shall serve at the pleasure of the governor.

(2) Qualifications of Members. No person is qualified for appointment hereunder unless that person is a citizen of the United States and a resident of the state of Idaho. Members required to be licensed hereunder shall not be qualified for appointment to the board unless actively engaged in some field of nursing in Idaho at the time of appointment. No person is qualified for appointment as the lay member of the board if the person or his spouse is licensed in any health occupation; is an employee, officer or agent of or has any financial interest in any health care facility, institution, or association or any insurance company authorized to underwrite health care insur-

ance; or is engaged in the governance and administration of any health care facility, institution or association.

(3) Conduct of Business. The board shall meet at such times as required to conduct the business of the board and shall annually elect from its members a chairman, vice chairman and such other officers as may be desirable. Five (5) members shall constitute a quorum and the vote of a majority of members present at a meeting wherein a quorum is present shall determine the action of the board. Each member of the board shall be compensated as provided by section 59-509(hi), Idaho Code.

Approved March 1, 2017

CHAPTER 50
(S.B. No. 1062)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE MILITARY DIVISION FOR THE FEDERAL/STATE AGREEMENTS PROGRAM FOR FISCAL YEAR 2017; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to the appropriation made in Section 2, Chapter 96, Laws of 2016, and any other appropriation provided for by law, there is hereby appropriated \$4,400,000 from the Federal Grant Fund to the Military Division for the Federal/State Agreements Program, to be expended for operating expenditures, for the period July 1, 2016, through June 30, 2017. This additional funding is for capital improvements, construction and maintenance on facilities maintained through the Army Operations and Maintenance Cooperative Agreement.

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 1, 2017

CHAPTER 51
(H.B. No. 9)

AN ACT

RELATING TO THE BOARD OF MASSAGE THERAPY; AMENDING SECTION 54-4006, IDAHO CODE, TO REVISE PROVISIONS REGARDING COMPENSATION OF MEMBERS OF THE BOARD OF MASSAGE THERAPY.

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

SECTION 1. That Section 54-4006, Idaho Code, be, and the same is hereby amended to read as follows:

54-4006. BOARD OF MASSAGE THERAPY. (1) There is hereby established in the department of self-governing agencies, bureau of occupational licenses, the board of massage therapy. The members thereof shall be appointed by the governor and serve at the pleasure of the governor.

(2) The board shall consist of five (5) members, four (4) of whom shall be licensed pursuant to this chapter and one (1) of whom shall be a member of

the public with an interest in the rights of the consumers of massage therapy services. At no time shall more than one (1) board member be an owner of, an instructor of, or otherwise affiliated with a board-approved course of instruction or any other massage therapy school or course of instruction.

(3) Professional massage therapy associations and/or any resident of the state of Idaho may provide nominations to the governor.

(4) All members of the board shall be residents of the state of Idaho for the duration of their appointment and shall have been residents of the state of Idaho for a minimum of three (3) years immediately preceding appointment.

(5) The initial four (4) massage therapist members of the board shall be persons with at least three (3) years of experience in the practice of massage therapy who become licensed pursuant to this chapter.

(6) The initial board shall be appointed for staggered terms, the longest of which shall not exceed three (3) years. After the initial appointments, all terms shall be for three (3) years, and a member may be reappointed for a second term. No member shall serve more than two (2) terms. In the event of death, resignation or removal of any member before the expiration of the term to which appointed, the vacancy shall be filled for the unexpired portion of the term in the same manner as the original appointment.

(7) The board, within thirty (30) days after its initial appointment and at least annually thereafter, shall hold a meeting and elect a chairman. The board may hold additional meetings on the call of the chairman or at the written request of any three (3) members of the board. The board may appoint such committees as it considers necessary to carry out its duties. A majority of the members of the board shall constitute a quorum.

(8) Each member of the board shall be compensated as provided in section 59-509(np), Idaho Code.

Approved March 1, 2017

CHAPTER 52
(H.B. No. 27)

AN ACT

RELATING TO HAZARDS TO AIR FLIGHT; AMENDING SECTION 21-515A, IDAHO CODE, TO PROVIDE AN EXEMPTION TO ANY POLES OR STRUCTURES SUPPORTING ELECTRIC LINES CARRYING A VOLTAGE OF SIXTY-NINE KILOVOLTS OR MORE.

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

SECTION 1. That Section 21-515A, Idaho Code, be, and the same is hereby amended to read as follows:

21-515A. HAZARDS TO AIR FLIGHT -- STANDARDS FOR GUYED TOWERS. (1) Any temporary or permanent guyed tower fifty (50) feet or more in height that is located outside the boundaries of an incorporated city or town on land that is primarily rural or undeveloped or used for agricultural purposes, or that is primarily desert, and where such guyed tower's appearance is not otherwise governed by state or federal law, rule or regulation, shall be lighted, marked and painted or otherwise constructed to be visible in clear air during daylight hours from a distance of not less than two thousand (2,000) feet. Guyed towers shall be required to be in accordance with the following:

(a) Guyed towers shall be painted in seven equal alternating bands of aviation orange and white. Such alternating bands shall begin with orange at the top of the tower and end with orange at the base.

(b) Guyed towers shall have a flashing light at the top of the tower. Such light shall be visible in clear air, with the naked eye, from a dis-

tance of two thousand (2,000) feet when flashing. Such light shall also be visible with night vision goggles.

(c) The surface area under the footprint of the tower and six (6) feet beyond the outer tower anchors shall have a contrasting appearance with any surrounding vegetation.

(d) Two (2) marker balls shall be attached to and evenly spaced on each of the outside guy wires.

(e) Guyed towers shall have a seven (7) foot long safety sleeve at each anchor point and shall extend from the anchor point along each guy wire attached to the anchor point.

(2) Any guyed tower that was erected prior to the effective date of this act shall be marked as required by the provisions of this section within one (1) year of the effective date of this act. Any guyed tower that is erected on or after the effective date of this act shall be marked as required by the provisions of this section at the time it is erected.

(3) For the purposes of this section, the following terms shall have the following meanings:

(a) "Guyed tower" means a tower that is supported in whole or in part by guy wires and ground anchors or other means of support besides the superstructure of the tower itself, towers used for military purposes excepted.

(b) "Height" means the distance measured from the original grade at the base of the tower to the highest point of the tower.

(c) "Temporary or permanent guyed tower" means a guyed tower erected and standing for any period of time whatsoever.

(4) This section shall not apply to power poles or structures owned and operated by an electric supplier as defined in section 61-332A(4), Idaho Code, to facilities used by a federal power marketing agency to serve public utilities or consumer-owned utilities, to any poles or structures supporting electric lines carrying a voltage of sixty-nine (69) kilovolts or more, or any structure the primary purpose of which is to support telecommunications equipment, including citizens band (CB) radio towers and all other amateur radio towers.

(5) Any person who violates a provision of this section shall be guilty of a misdemeanor.

Approved March 1, 2017

CHAPTER 53
(H.B. No. 32)

AN ACT

RELATING TO SALES TAX; AMENDING SECTION 63-3622R, IDAHO CODE, TO REVISE THE MAXIMUM PERIOD OF TIME THAT A TAX-EXEMPT MOTOR VEHICLE PURCHASED BY A NONRESIDENT MAY BE USED IN IDAHO.

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

SECTION 1. That Section 63-3622R, Idaho Code, be, and the same is hereby amended to read as follows:

63-3622R. MOTOR VEHICLES, USED MANUFACTURED HOMES, VESSELS, ALL-TERRAIN VEHICLES, TRAILERS, UTILITY TYPE VEHICLES, SPECIALTY OFF-HIGHWAY VEHICLES, OFF-ROAD MOTORCYCLES, SNOWMOBILES AND GLIDER KITS. There are exempted from the taxes imposed by this chapter:

(a) Sales to nonresidents of motor vehicles, trailers, vessels, all-terrain vehicles (ATVs), utility type vehicles (UTVs), specialty off-highway vehicles (SOHVs), motorcycles intended for off-road use and

snowmobiles, for use outside of this state even though delivery be made within this state, but only when:

(1) The motor vehicles, vessels, ATVs, UTVs, SOHVs, motorcycles intended for off-road use, snowmobiles or trailers will be taken from the point of delivery in this state directly to a point outside this state; and

(2) The motor vehicles, vessels, ATVs, UTVs, SOHVs, motorcycles intended for off-road use, snowmobiles and trailers will be registered immediately under the laws of another state, will be titled in another state if required to be titled in that state, will not be used in this state more than sixty ninety (690) days in any twelve (12) month period, and will not be required to be titled under the laws of this state.

(3) For the purpose of this subsection, the terms "all-terrain vehicle" or "ATV," "utility type vehicle" or "UTV," and "specialty off-highway vehicle" or "SOHV" mean all-terrain vehicle or ATV, utility type vehicle or UTV, and specialty off-highway vehicle or SOHV as defined in section 67-7101, Idaho Code.

(4) For the purpose of this section, the term "vessel" means any boat intended to carry one (1) or more persons upon the water which is either:

(i) Sold together with a motor; or

(ii) Eleven (11) feet in length or more, but shall not include canoes, kayaks, paddleboards, inflatable boats or similar watercraft, unless such canoes, kayaks, paddleboards, inflatable boats or similar watercraft are sold together with a motor.

(b) Sale of used manufactured homes, whether or not such used manufactured homes are sold for use outside this state, and whether or not such used manufactured homes are sold by a dealer. Every manufactured home sale after its sale as a "new manufactured home," as defined in section 63-3606, Idaho Code, is a sale as a used manufactured home.

(c) Sale or lease of motor vehicles with a maximum gross registered weight over twenty-six thousand (26,000) pounds, which shall be immediately registered under the international registration plan, whether or not base plated in Idaho, and the sale or lease of trailers which are part of a fleet of vehicles registered under the international registration plan when such vehicles and trailers are substantially used in interstate commerce. If such a motor vehicle or trailer is not substantially used in interstate commerce during any four (4) fiscal year quarters beginning July 1 and ending June 30 of each year under the international registration plan, it shall be deemed used in Idaho and subject to the use tax under section 63-3621, Idaho Code. For the purpose of this subsection, "substantially used in interstate commerce" means that the vehicles or trailers will be part of a fleet with a minimum of ten percent (10%) of the miles operated by the fleet accrued outside of Idaho in any four (4) fiscal year quarters beginning July 1 and ending June 30 of each year under the international registration plan.

(d) The sale or purchase of a glider kit when the glider kit will be used to assemble a glider kit vehicle as defined in section 49-123, Idaho Code, which will be immediately registered under a plan defined in subsection (c) of this section, provided that if the glider kit vehicle is not substantially used in interstate commerce as defined in subsection (c) of this section during any registration period, it shall be subject to the use tax under section 63-3621, Idaho Code.

(e) The use or other consumption of a motor vehicle temporarily donated to a driver's education program sponsored by a nonprofit educational institution as defined in section 63-36220, Idaho Code.

CHAPTER 54
(H.B. No. 57)

AN ACT

RELATING TO THE STATE LOTTERY; AMENDING SECTION 67-7404, IDAHO CODE, TO REVISE THE DEFINITION OF "MAJOR PROCUREMENT."

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

SECTION 1. That Section 67-7404, Idaho Code, be, and the same is hereby amended to read as follows:

67-7404. DEFINITIONS. As used in this chapter:

(1) "Administrative costs" means personnel costs, capital outlay, and reasonable expenses incurred by other state agencies to effectuate the purposes of this chapter.

(2) "Commission" means the Idaho state lottery commission.

(3) "Director" means the director of the lottery.

(4) "Expenses" means all costs of doing business including, but not limited to, prizes, commissions and other compensation paid to retailers, advertising and marketing costs, personnel costs, capital outlay, reasonable expenses incurred by other state agencies to effectuate the purposes of this chapter, depreciation of property and equipment, and other operating costs, all of which are to be recorded on the accrual basis of accounting in accordance with generally accepted accounting principles.

(5) "Lottery" or "state lottery" means the state lottery established and operated pursuant to this chapter.

(6) "Lottery contractor" means a person with whom the lottery has contracted for the purposes of providing goods and services for the state lottery.

(7) "Lottery game retailer" or "retailer" means a person with whom the lottery has contracted for the purpose of selling tickets or shares in lottery games to the public.

(8) "Lottery revenue" means revenue derived from the sale of lottery tickets and shares. Such revenues shall be recorded on the accrual basis of accounting in accordance with generally accepted accounting principles.

(9) "Lottery vendor" or "vendor" means any person who submits a bid, proposal or offer as part of a major procurement for goods or services as defined in subsection (11) of this section.

(10) "Low, medium and high tier claims" means the dollar amount of prizes awarded in accordance with rules of the state lottery.

(11) "Major procurement" means any contract with a vendor supplying lottery tickets or shares, data processing systems utilized to track, sell, distribute or validate lottery tickets or shares, any goods or services involving the determination or generation of winners in any lottery game or any auditing services. A major procurement shall be undertaken at all times in conformance with the constitution and laws of the state of Idaho, and lottery vendors in submitting a bid, proposal or offer as part of a major procurement for goods or services as defined in this subsection shall be undertaken at all times in conformance with the constitution and laws of the state of Idaho.

(12) "Net income" means lottery revenue and nonlottery revenue, less expenses, as defined in this chapter.

(13) "Person" shall be construed to mean and include an individual, association, corporation, club, trust, estate, society, company, joint stock company, receiver, trustee, assignee, referee or any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of individuals. "Person" shall also be con-

strued to mean and include departments, commissions, agencies and instrumentalities of the state of Idaho, including counties and municipalities and agencies or instrumentalities thereof.

(14) "Redemption value" means the sum total of all winnings upon the ticket presented for payment.

(15) "Share" means any intangible evidence of participation in a game conducted by the state lottery.

(16) "Ticket" means any tangible evidence issued by the lottery to provide participation in a game conducted by the state lottery.

(17) "Value" means any ticket shall be taken at face value.

Approved March 2, 2017

CHAPTER 55
(S.B. No. 1003)

AN ACT

RELATING TO NURSES; AMENDING SECTION 54-1410, IDAHO CODE, TO REVISE PROVISIONS REGARDING NURSE EMERITUS LICENSES; AND AMENDING SECTION 54-1411, IDAHO CODE, TO REVISE PROVISIONS REGARDING RENEWAL AND REINSTATEMENT OF NURSE LICENSES.

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

SECTION 1. That Section 54-1410, Idaho Code, be, and the same is hereby amended to read as follows:

54-1410. NURSE EMERITUS LICENSE. (1) Any licensee in good standing, who desires to retire for any length of time from the practice of nursing in this state, shall submit a request in writing, surrender the current license, and pay the required fee; thereafter the current license shall be placed on inactive status and an emeritus status license issued.

~~(2) An emeritus status license shall be renewed biennially following submission of a renewal application and fee.~~

~~(3) Fees are nonrefundable and cannot be prorated.~~

(43) An emeritus status license does not entitle the holder to practice nursing in the state of Idaho, except that:

(a) A registered nurse with an emeritus status license may use the title "registered nurse," or the abbreviation "RN"; and

(b) A practical nurse with an emeritus status license may use the title "licensed practical nurse," or the abbreviation "LPN"; and

(c) An advanced practice registered nurse with an emeritus status license may use an appropriate title or designation as set forth in section 54-1402(1), Idaho Code.

(54) The board may reinstate a license with emeritus status to a license with active status upon payment of the required reinstatement fee, submission of a satisfactory reinstatement application and proof of current competency to practice.

~~(6) If the emeritus status license is allowed to lapse, the licensee shall not hold himself out by the designation "RN" or "LPN," or by any other title or designation.~~

(75) When disciplinary proceedings have been initiated against a licensee with emeritus status, the license shall not be reinstated until the proceedings have been completed.

SECTION 2. That Section 54-1411, Idaho Code, be, and the same is hereby amended to read as follows:

54-1411. RENEWAL AND REINSTATEMENT OF LICENSE. (1) Renewal. Except for emeritus status, eEach license issued pursuant to this chapter shall be valid from the date of its issue until the first renewal date thereafter.

(a) No license shall be valid unless renewed each and every two (2) years on the renewal dates fixed by the board.

(b) The board may impose a renewal fee in an amount not to exceed one hundred dollars (\$100).

(c) A license that is not timely renewed is a lapsed license.

(2) Certified nurse-midwives, clinical nurse specialists, certified registered nurse anesthetists and certified nurse practitioners desiring license renewal must provide proof, satisfactory to the board, of the applicant's competence to practice by documenting completion of a peer review process.

(3) Reinstatement. A person whose license has lapsed, or who holds an emeritus status license in good standing, or whose license has been revoked, suspended, limited, conditioned or otherwise sanctioned by the board, may apply for reinstatement of the license to active and unrestricted status. A licensee's ability to apply for reinstatement may be subject to time constraints imposed by board rule or by the terms of a disciplinary order. An applicant for reinstatement must:

(a) Pay a reinstatement fee in an amount not to exceed one hundred dollars (\$100).

(b) Submit a completed reinstatement application and provide proof, satisfactory to the board, of the applicant's competency to practice.

(c) Document compliance with the terms and conditions set forth in any order of the board as a condition of reinstatement.

Approved March 8, 2017

CHAPTER 56
(S.B. No. 1009)

AN ACT

RELATING TO CROP RESIDUE BURNING; AMENDING SECTION 39-114, IDAHO CODE, TO REVISE PROVISIONS REGARDING NATIONAL AMBIENT AIR QUALITY STANDARDS AND TO MAKE TECHNICAL CORRECTIONS; REPEALING SECTION 39-114, IDAHO CODE, RELATING TO THE OPEN BURNING OF CROP RESIDUE; AMENDING CHAPTER 1, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-114, IDAHO CODE, TO PROVIDE FOR THE OPEN BURNING OF CROP RESIDUE; DECLARING AN EMERGENCY AND PROVIDING EFFECTIVE DATES.

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

SECTION 1. That Section 39-114, Idaho Code, be, and the same is hereby amended to read as follows:

39-114. OPEN BURNING OF CROP RESIDUE. (1) The open burning of crop residue to develop physiological conditions conducive to increase crop yields, or to control diseases, insects, pests or weed infestations, shall be an allowable form of open burning, such that it is expressly authorized as referenced in section 52-108, Idaho Code, se as long as the open burning is conducted in accordance with the provisions of this section and the rules promulgated pursuant to this chapter.

(2) Crop residue means any vegetative material remaining in the field after harvest or vegetative material produced on designated conservation reserve program (CRP) lands.

(3) The open burning of crop residue shall be conducted in the field where it was generated. A burn may not take place without preapproval from the department. The department shall not approve a burn if it determines that ambient air quality levels:

(a) Are exceeding, or are expected to exceed, seventy-five percent (75%) of the level of any national ambient air quality standard (NAAQS) on any day, provided however, for purposes of the ozone NAAQS, the 2008 standard of .075 parts per million, 73 federal register 16435, 16511 (March 27, 2008) shall apply, and these levels are projected to continue or recur over at least the next twenty-four (24) hours; or

(b) Have reached, or are forecasted to reach and persist at, eighty percent (80%) of the one (1) hour action criteria for particulate matter pursuant to section 556 of IDAPA 58.01.01, rules for the control of air pollution in Idaho.

The department shall make available to the public, prior to the burn, information regarding the date of the burn, location, acreage and crop type to be burned. If the agricultural community desires to burn more than twenty thousand (20,000) acres annually of bluegrass within the state, that does not include Indian or tribal lands within the reservation boundaries as recognized by the federal clean air act, then, prior to approving the burning of the additional acres, the department shall complete an air quality review analysis to determine that the ambient air quality levels in this section will be met.

(4) A fee in an amount of two dollars (\$2.00) per acre to be burned shall be paid to the department prior to burning. This fee shall not apply to propane flaming, as defined in the rules promulgated pursuant to this chapter. The department shall remit all fees quarterly to the state treasurer, who shall deposit the moneys in the general fund.

SECTION 2. That Section 39-114, Idaho Code, be, and the same is hereby repealed.

SECTION 3. That Chapter 1, 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 39-114, Idaho Code, and to read as follows:

39-114. OPEN BURNING OF CROP RESIDUE. (1) The open burning of crop residue to develop physiological conditions conducive to increase crop yields, or to control diseases, insects, pests or weed infestations, shall be an allowable form of open burning, such that it is expressly authorized as referenced in section 52-108, Idaho Code, as long as the open burning is conducted in accordance with the provisions of this section and the rules promulgated pursuant to this chapter.

(2) Crop residue means any vegetative material remaining in the field after harvest or vegetative material produced on designated conservation reserve program (CRP) lands.

(3) The open burning of crop residue shall be conducted in the field where it was generated. A burn may not take place without preapproval from the department. The department shall not approve a burn if it determines that ambient air quality levels:

(a) Are exceeding, or are expected to exceed, ninety percent (90%) of the ozone national ambient air quality standard (NAAQS) and seventy-five percent (75%) of the level of any other NAAQS on any day, and these levels are projected to continue or recur over at least the next twenty-four (24) hours; or

(b) Have reached, or are forecasted to reach and persist at, eighty percent (80%) of the one (1) hour action criteria for particulate matter

pursuant to section 556 of IDAPA 58.01.01, rules for the control of air pollution in Idaho.

The department shall make available to the public, prior to the burn, information regarding the date of the burn, location, acreage and crop type to be burned. If the agricultural community desires to burn more than twenty thousand (20,000) acres annually of bluegrass within the state, that does not include Indian or tribal lands within the reservation boundaries as recognized by the federal clean air act, then, prior to approving the burning of the additional acres, the department shall complete an air quality review analysis to determine that the ambient air quality levels in this section will be met.

(4) A fee in an amount of two dollars (\$2.00) per acre to be burned shall be paid to the department prior to burning. This fee shall not apply to propane flaming, as defined in the rules promulgated pursuant to this chapter. The department shall remit all fees quarterly to the state treasurer, who shall deposit the moneys in the general fund.

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, Section 1 of this act shall be in full force and effect on and after passage and approval. Sections 2 and 3 of this act shall be in full force and effect on and after February 28, 2018.

Approved March 8, 2017

CHAPTER 57
(S.B. No. 1037)

AN ACT

RELATING TO DENTISTS; AMENDING SECTION 54-920, IDAHO CODE, TO REVISE PROVISIONS REGARDING LICENSING.

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

SECTION 1. That Section 54-920, Idaho Code, be, and the same is hereby amended to read as follows:

54-920. LICENSING -- LICENSE FEES -- BIENNIAL RENEWAL OF LICENSES -- LATE FEES AND RETURNED CHECKS -- CLASSIFICATIONS OF LICENSES -- RIGHTS OF LICENSEES -- NOTIFICATION OF CHANGE OF ADDRESS. (1) Each person determined by the board as qualified for licensure under this chapter shall pay the prescribed biennial license fee to the board prior to issuance of a license. Unless otherwise specified on a license, licenses issued by the board shall be effective for the biennial licensing period specified in this section. The biennial licensing period for dental licenses shall be a two (2) year period from October 1 of each even-numbered calendar year to September 30 of the next successive even-numbered calendar year. The biennial licensing period for dental hygiene licenses shall be a two (2) year period from April 1 of each odd-numbered calendar year to March 31 of the next successive odd-numbered calendar year. Unless otherwise specified on a license, any license issued during a biennial licensing period shall be effective until the beginning date of the next successive biennial licensing period and the board may prorate the amount of the license fee from the date of issuance of the license until the beginning date of the next applicable biennial licensing period at the discretion of the board. A license issued by the board shall expire unless renewed in the manner specified in this section.

(2) The nonrefundable biennial license fees shall be fixed by the board, but shall not exceed the following amounts:

(a) Four hundred dollars (\$400) for a dentist with an active status;

- (b) Two hundred dollars (\$200) for a dentist with an inactive status;
- (c) Two hundred twenty dollars (\$220) for a dental hygienist with an active status;
- (d) One hundred twelve dollars (\$112) for a dental hygienist with an inactive status; or
- (e) Four hundred dollars (\$400) for a dentist with a specialist status; or
- ~~(f) Twenty dollars (\$20.00) for a dentist or dental hygienist with a retirement status.~~

(3) A license issued by the board shall be renewed as prescribed in this section. Prior to the expiration of the effective period of a license, the board shall provide notice of renewal to the licensee's address of record on file with the board. To renew a dental license, each licensee shall submit a properly completed renewal application and the appropriate biennial license fee to the board prior to September 30 of every even-numbered calendar year. To renew a dental hygiene license, each licensee shall submit a properly completed renewal application and the appropriate biennial license fee to the board prior to March 31 of each odd-numbered calendar year. Each licensee determined by the board as qualified for renewal of a license shall be issued a license for the applicable biennial licensing period.

(4) Failure to timely submit a complete renewal application and license fee shall result in expiration of the license and termination of the licensee's right to practice. Failure to submit a complete renewal application, license fee and fifty dollar (\$50.00) late fee within thirty (30) days of expiration of the license shall result in cancellation of the license.

(5) Any person who delivers a check or other payment to the board that is returned to the board unpaid by the financial institution upon which it was drawn shall pay to the board as an administrative cost, in addition to any other amount owing, the amount of fifty dollars (\$50.00). Following notification by the board of the returned check or other payment, the person shall make payment of all moneys owing to the board by certified check or money order within thirty (30) days of the date of notification. A failure to submit the necessary remittance within the thirty (30) day period may result in the expiration of a license or constitute grounds for the board to deny, cancel, suspend or revoke a license.

(6) The board of dentistry may issue different classes of licenses as defined in this subsection.

(a) The term "license with active status" means a license issued by the board to a qualified person who is authorized to be ~~an active practitioner of practice~~ dentistry or dental hygiene in the state of Idaho. A ~~person's right to be issued and maintain a license with active status shall not be affected by any absence, not exceeding two (2) years, from active practice in Idaho by reason of illness or vacation. A person's right to be issued and maintain a license with active status shall not be affected by any absence from active practice in Idaho for any period while serving on active duty in the armed forces of the United States, while employed in the United States public health service or United States veterans administration, or while enrolled in board-approved postgraduate educational courses, either within or without the state of Idaho. Each applicant or licensee requesting an active status license must state that he intends to fulfill the requirements for that status.~~

(b) The term "license with an inactive status" means a license issued by the board to a qualified person who is not authorized to be an active practitioner of dentistry or dental hygiene in the state of Idaho. A person issued a license with an inactive status is not entitled to practice dentistry or dental hygiene in the state of Idaho.

(c) The terms "license with special status" and "license with provisional status" mean licenses issued by the board to a qualified person on a provisional, conditional, restricted or limited basis under the

terms of which the licensee is authorized to practice dentistry or dental hygiene in the state of Idaho subject to conditions, limitations and requirements imposed by the board. The conditions, limitations and requirements imposed by the board may include, but are not limited to, a limitation on the effective period of the license, a requirement that specific conditions must be fulfilled in order for the license to remain effective, a requirement that specified education, examinations and skills testing be successfully completed during the effective period of the license, a restriction on the scope of permissible services that the licensee is authorized to perform, a restriction on the type of patients for whom treatment may be rendered and a restriction on the locations at which the licensee can perform authorized services.

~~(d) The term "license with retirement status" means a license issued to a person who was previously licensed as a dentist or dental hygienist in Idaho who no longer intends to practice dentistry or dental hygiene. A license with retirement status does not permit the holder to practice dentistry or dental hygiene in the state of Idaho. A license with retirement status cannot be converted to a license with active or inactive status other than by filing an application for licensure and qualifying as required of a first-time applicant.~~

(7) (a) ~~The board may issue a license with active status to any qualified applicant or qualified licensee who is an active practitioner of authorized to practice dentistry or dental hygiene in the state of Idaho or who signifies to the board in writing that, upon issuance of an initial license or renewal of a biennial license, he intends to be an active practitioner in this state within two (2) years. Renewal of a license with active status requires compliance with requirements as determined by the board specified in rule.~~

(b) ~~The board may issue a license with inactive status to any qualified person applicant or qualified licensee who fulfilled the licensure requirements but, for any reason, is does not eligible for a license with active status practice in the state of Idaho. Renewal of a license with inactive status requires compliance with requirements as determined by the board specified in rule.~~

(c) The board may issue a license with provisional status or special status to any person who fulfills, or substantially fulfills, the applicable licensure requirements when the board, acting in its discretion, determined that special circumstances existed which, for the protection of the public health, safety and welfare, required that specific conditions, restrictions or limitations be imposed on the license. A license with special status or provisional status entitles the holder thereof to practice dentistry or dental hygiene in the state of Idaho subject to the conditions, restrictions and limitations specifically determined by the board and for the period of time prescribed. A provisional license is effective for the period specified by the board and may not be renewed. The board shall develop rules to include definitions, application and renewal requirements, limitations of practice and other conditions regarding provisional and special status licenses.

(d) The board may convert a license with inactive status to a license with active status in the event the holder pays the license fee prescribed for licenses with active status and submits to the board satisfactory evidence of:

- (i) Compliance with the requirements of this chapter and all rules promulgated under the provisions of this chapter;
- (ii) Good moral character and good professional conduct; and
- (iii) ~~A minimum of one thousand (1,000) hours of clinical dentistry or dental hygiene practiced within the previous two (2) years or employment full time as a dental or dental hygiene in-~~

~~structor at an American dental association accredited dental or dental hygiene school or enrollment in a board-approved postgraduate educational program~~ Completion of accumulated continuing education as required of a license with uninterrupted active status.

(e) Persons unable to otherwise fully meet the requirements for conversion of an inactive status license to an active status license ~~may convert their license upon board approval~~ must apply as a first-time applicant.

(8) Each person licensed under this chapter shall notify the board in writing of any change in the person's name or address of record within thirty (30) days after the change has taken place.

Approved March 8, 2017

CHAPTER 58
(S.B. No. 1040)

AN ACT

RELATING TO CODIFIER'S CORRECTIONS; AMENDING SECTION 6-1601, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 16-1506, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 16-1602, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 16-1620, IDAHO CODE, TO MAKE CODIFIER'S CORRECTIONS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 16-1621, IDAHO CODE, TO MAKE CODIFIER'S CORRECTIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 16-1644, IDAHO CODE, AS ENACTED BY SECTION 7, CHAPTER 347, LAWS OF 2016, TO REDESIGNATE THE SECTION; AMENDING SECTION 16-1644, IDAHO CODE, AS ENACTED BY SECTION 1, CHAPTER 284, LAWS OF 2016, TO REDESIGNATE THE SECTION; AMENDING SECTION 19-862, IDAHO CODE, TO MAKE CODIFIER'S CORRECTIONS; AMENDING SECTION 20-213A, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 20-533A, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 23-902, IDAHO CODE, TO MAKE CODIFIER'S CORRECTIONS; AMENDING SECTION 30-29-1601, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 31-1433, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 33-518, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING CHAPTER 56, TITLE 33, IDAHO CODE, AS ENACTED BY SECTION 1, CHAPTER 143, LAWS OF 2016, TO REDESIGNATE THE CHAPTER AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 58, TITLE 33, IDAHO CODE, AS ENACTED BY SECTION 1, CHAPTER 192, LAWS OF 2016, TO REDESIGNATE THE CHAPTER, TO MAKE A CODIFIER'S CORRECTION, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 39-3133, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 39-3134, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 93, TITLE 39, IDAHO CODE, AS ENACTED BY SECTION 1, CHAPTER 168, LAWS OF 2016, TO REDESIGNATE THE CHAPTER; AMENDING SECTION 41-307, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 41-332, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES; AMENDING SECTION 41-342, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 41-343, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 41-2803, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 41-2804, IDAHO CODE, TO PROVIDE CORRECT CODE

REFERENCES; AMENDING SECTION 41-3824, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 41-4934, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 41-6104, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 50-2913, IDAHO CODE, TO MAKE A CODIFIER'S CORRECTION; AMENDING SECTION 55-115, IDAHO CODE, TO MAKE A CODIFIER'S CORRECTION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 61-313, IDAHO CODE, TO MAKE A CODIFIER'S CORRECTION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 63-602D, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 63-602GG, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 67-7702, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-7711, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-8903, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 74-107, IDAHO CODE, TO MAKE A CODIFIER'S CORRECTION, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION.

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

SECTION 1. That Section 6-1601, Idaho Code, be, and the same is hereby amended to read as follows:

6-1601. DEFINITIONS. As used in this act:

(1) "Charitable corporation or organization or charitable trust" means a corporation or organization or charitable trust including any community chest, fund, or foundation organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational purposes, or to foster national or international amateur sports competition (but only if no part of its activities involve the provision of athletic facilities or equipment), or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propagand₇ or otherwise attemptin₇ to influence legislation.

(2) "Claimant" means any party to a civil action making a claim for relief, legal or equitable, compensatory or noncompensatory.

(3) "Economic damages" means objectively verifiable monetary loss, including, but not limited to, out-of-pocket expenses, loss of earnings, loss of use of property, cost of replacement or repair, cost of obtaining substitute domestic services, loss of employment, medical expenses, or loss of business or employment opportunities.

(4) "Future damages" means noneconomic damages and economic damages to be incurred after entry of a judgment.

(5) "Noneconomic damages" means subjective, nonmonetary losses including, but not limited to, pain, suffering, inconvenience, mental anguish, disability or disfigurement incurred by the injured party; emotional distress; loss of society and companionship; loss of consortium; or destruction or impairment of the parent-child relationship.

(6) "Nonprofit corporation or organization" means a charitable corporation or organization or charitable trust; any other corporation organized or existing under chapter 30, title 30, Idaho Code, or an equivalent provision of the law of another state; or an unincorporated association; which corporation, organization, charitable trust or unincorporated association is organized and existing exclusively for nonprofit purposes, and which:

(a) Either is tax exempt under section 501(c)(3) of the Internal Revenue Code or regularly bestows benefits to the community at large₇; and

(b) No part of the net income of which is distributable to its members, directors or officers.

(7) "Personal injury" means a physical injury, sickness or death suffered by an individual.

(8) "Property damage" means loss in value or in use of real or personal property, where such loss arises from physical damage to or destruction of such property.

(9) "Punitive damages" means damages awarded to a claimant, over and above what will compensate the claimant for actual personal injury and property damage, to serve the public policies of punishing a defendant for outrageous conduct and of deterring future like conduct.

SECTION 2. That Section 16-1506, Idaho Code, be, and the same is hereby amended to read as follows:

16-1506. PROCEEDINGS ON ADOPTION. (1) Proceedings to adopt a child shall be commenced by the filing of a petition together with a copy thereof. The petition shall be initiated by the person or persons proposing to adopt the child and shall be filed with the district court of the county in which said person or persons reside. If the adoption arises from a child protective act case, the petition shall be filed in the court having jurisdiction over the child protective act case unless that court relinquishes jurisdiction over the adoption proceeding. The petitioners shall have resided and maintained a dwelling within the state of Idaho for at least six (6) consecutive months prior to the filing of a petition. The petition shall set forth the name and address of the petitioner or petitioners, the name of the child proposed to be adopted and the name by which the person to be adopted shall be known if and when adopted, the degree of relationship of the child, if any, to the petitioner or petitioners and the names of any person or agency whose consent to said adoption is necessary. At the time fixed for hearing such petition, the person adopting a child, and the child adopted, and the spouse of the petitioner if a natural parent of the child, must appear before the court of the county wherein the petition was filed. The petitioner shall at such time execute an agreement to the effect that the child shall be adopted and treated in all respects as his own lawful child should be treated.

(2) If the adoption arises from a child protective act case, then, in addition to the petition filed pursuant to subsection (1) of this section, the department of health and welfare shall file the permanency plan prepared pursuant to section 16-1620 or 16-1622, Idaho Code, associated with the child protective act case. If the court determines that the person proposing to adopt the child is not the proposed adoptive parent named in the permanency plan, then the judge shall stay the proceeding pending the department preparing and filing an amended permanency plan pursuant to section 16-1620 or 16-1622, Idaho Code, and the approval of the amended permanency plan by the judge presiding over the child protective act proceeding.

(3) Any person or persons whose consent is required shall execute such consent in writing, in a form consistent with the provisions of section 16-2005(4), Idaho Code, which consent being filed in the court where the application is made, shall be deemed a sufficient appearance on the part of such person or persons. If any adoptive parent, or a person not a minor being adopted by a resident adult under the provisions of section 16-1501, Idaho Code, is a member of the armed services and is unable to attend the hearing, his appearance and testimony shall be received by means of deposition, which shall be filed in the court at the time of the hearing.

(4) Prior to the placement for adoption of any child in the home of prospective adoptive parents, it shall be required that a thorough social investigation of the prospective adoptive family and all of its members, consistent with the rules regarding such investigations promulgated by the department of health and welfare, shall be completed and that a positive

recommendation for adoptive placement shall have been made. The social investigation may be performed by any individual who meets the requirements of the law. A copy of the study must be submitted to the department and the department may impose a reasonable fee, not to exceed fifty dollars (\$50.00), for oversight of such privately conducted studies. If the prospective adoptive parent has a disability as defined in this chapter, the prospective adoptive parent shall have the right, as a part of the social study, to provide information regarding the manner in which the use of adaptive equipment or supportive services will enable the parent to carry out the responsibilities of parenting the child. The person performing the social investigation shall advise the prospective adoptive parent of such right and shall consider all such information in any findings or recommendations. The social investigation of any prospective adoptive parent with a disability shall be conducted by, or with the assistance of, an individual with expertise in the use of such equipment and services. Nothing in this chapter shall be construed to create any new or additional obligation on state or local governments to purchase or provide adaptive equipment or supportive services for parents with disabilities. In those instances where the prospective adoptive parent is married to the birth parent or is the grandparent of the child to be adopted, such social investigation shall be completed with regard to the prospective adoptive parent only upon order of the court. In exigent circumstances where the prospective adoptive parents are determined by the court to have been unable to complete a social investigation of the family with a positive recommendation prior to the time the child is placed in the home, the child shall remain in the home unless the court determines the best interests of the child are served by other placement. If exigent circumstances exist, a social investigation shall be initiated within five (5) days of placement. Once initiated, all studies shall be completed within sixty (60) days. Upon the filing of a petition to adopt a minor child by a person unrelated to the child or unmarried to a natural parent of the child and at the discretion of the court upon the filing of any other petition for adoption, a copy of such petition, together with a statement containing the full names and permanent addresses of the child and the petitioners, shall be served by the court receiving the petition within five (5) days on the director of the department of health and welfare by registered mail or personal service. If no private investigation is conducted, it shall then be the duty of the said director, through the personnel of the department or through such qualified child-placing children's adoption agency incorporated under chapter 30, title 30, Idaho Code, as the director may designate, to verify the allegations of the petition, and as soon as possible not exceeding thirty (30) days after service of the petition on the director to make a thorough investigation of the matter to include in all cases information as to the alleged date and place of birth and as to parentage of the child to be adopted as well as the source of all such information and report his findings in writing to the court. The investigative report shall include reasonably known or available medical and genetic information regarding both natural parents and sources of such information as well as reasonably known or available providers of medical care and services to the natural parents. A copy of all medical and genetic information compiled in the investigation shall be made available to the adopting family by the department or other investigating children's adoption agency prior to entry of the final order of adoption. The petition, statement and all other papers, records or files relating to the adoption, including the preplacement investigation and recommendation, shall be returned to the court with the investigative report. The department of health and welfare or other children's adoption agency may require the petitioner to pay all or any part of the costs of the investigation. If the report disapproves of the adoption of the child, motion may be made to the court to dismiss the petition.

(5) Proceedings for termination of parent-child relationship in accordance with chapter 20, title 16, Idaho Code, and proceedings for adoption may be consolidated and determined at one (1) hearing provided that all of the requirements of this chapter as well as chapter 20, title 16, Idaho Code, be fully complied with. Nothing in either chapter shall be construed as limiting the initiation of any petition for approval of a verified financial plan for adoption expenses pursuant to section 18-1511, Idaho Code, prior to the birth of the child which is the subject of any adoption proceeding. In all disputed matters under this chapter or chapter 20, title 16, Idaho Code, the paramount criterion for consideration and determination by the court shall be the best interests of the child.

(6) Proceedings for the adoption of an adult shall be as provided in subsection (1) of this section and any consents required shall be executed as provided in subsection (3) of this section. Upon a finding by the court that the consent of all persons for whom consent is required has been given and that the requirements of section 16-1501, Idaho Code, have been proven to the satisfaction of the court, the court shall enter an order granting the adoption. In cases where the adult proposed to be adopted is incapacitated or disabled, the court may require that an investigation be performed. The form and extent of the investigation to be undertaken may be as provided in subsection (4) of this section, or as otherwise ordered by the court. If an investigation is performed, the court must review and approve the findings of the investigation before issuing an order approving the adoption.

SECTION 3. That Section 16-1602, Idaho Code, be, and the same is hereby amended to read as follows:

16-1602. DEFINITIONS. For purposes of this chapter:

(1) "Abused" means any case in which a child has been the victim of:

(a) Conduct or omission resulting in skin bruising, bleeding, malnutrition, burns, fracture of any bone, subdural hematoma, soft tissue swelling, failure to thrive or death, and such condition or death is not justifiably explained, or where the history given concerning such condition or death is at variance with the degree or type of such condition or death, or the circumstances indicate that such condition or death may not be the product of an accidental occurrence; or

(b) Sexual conduct, including rape, molestation, incest, prostitution, obscene or pornographic photographing, filming or depiction for commercial purposes, or other similar forms of sexual exploitation harming or threatening the child's health or welfare or mental injury to the child.

(2) "Abandoned" means the failure of the parent to maintain a normal parental relationship with his child including, but not limited to, reasonable support or regular personal contact. Failure to maintain this relationship without just cause for a period of one (1) year shall constitute prima facie evidence of abandonment.

(3) "Adaptive equipment" means any piece of equipment or any item that is used to increase, maintain or improve the parenting capabilities of a parent with a disability.

(4) "Adjudicatory hearing" means a hearing to determine:

(a) Whether the child comes under the jurisdiction of the court pursuant to the provisions of this chapter;

(b) Whether continuation of the child in the home would be contrary to the child's welfare and whether the best interest of the child requires protective supervision or vesting legal custody of the child in an authorized agency.

(5) "Age of developmentally appropriate" means:

(a) Activities that are generally accepted as suitable for children of the same chronological age or level of maturity or that are determined

to be developmentally appropriate for a child, based on the development of cognitive, emotional, physical and behavioral capacities that are typical for an age or age group; and

(b) In the case of a specific child, activities or items that are suitable for the child based on the developmental stages attained by the child with respect to the cognitive, emotional, physical and behavioral capacities of the child.

(6) "Aggravated circumstances" includes, but is not limited to:

(a) Circumstances in which the parent has engaged in any of the following:

(i) Abandonment, chronic abuse or chronic neglect of the child. Chronic neglect or chronic abuse of a child shall consist of abuse or neglect that is so extreme or repetitious as to indicate that return of the child to the home would result in unacceptable risk to the health and welfare of the child.

(ii) Sexual abuse against a child of the parent. Sexual abuse, for the purposes of this section, includes any conduct described in section 18-1506, 18-1506A, 18-1507, 18-1508, 18-1508A, 18-6101 or 18-6608, Idaho Code.

(iii) Torture of a child; any conduct described in the code sections listed in section 18-8303(1), Idaho Code; battery or an injury to a child that results in serious or great bodily injury to a child; voluntary manslaughter of a child, or aiding or abetting such voluntary manslaughter, soliciting such voluntary manslaughter or attempting or conspiring to commit such voluntary manslaughter;

(b) The parent has committed murder, aided or abetted a murder, solicited a murder or attempted or conspired to commit murder; or

(c) The parental rights of the parent to another child have been terminated involuntarily.

(7) "Authorized agency" means the department, a local agency, a person, an organization, corporation, benevolent society or association licensed or approved by the department or the court to receive children for control, care, maintenance or placement.

(8) "Caregiver" means a foster parent with whom a child in foster care has been placed or a designated official for a child care institution in which a child in foster care has been placed.

(9) "Case plan hearing" means a hearing to approve, modify or reject the case plan as provided in section 16-1621, Idaho Code.

(10) "Child" means an individual who is under the age of eighteen (18) years.

(11) "Child advocacy center" or "CAC" means an organization that adheres to national best practice standards established by the national membership and accrediting body for children's advocacy centers and that promotes a comprehensive and coordinated multidisciplinary team response to allegations of child abuse by maintaining a child-friendly facility at which appropriate services are provided. These services may include forensic interviews, forensic medical examinations, mental health services and other related victim services.

(12) "Circumstances of the child" includes, but is not limited to, the joint legal custody or joint physical custody of the child.

(13) "Commit" means to transfer legal and physical custody.

(14) "Concurrent planning" means a planning model that prepares for and implements different outcomes at the same time.

(15) "Court" means district court or magistrate's division thereof, or if the context requires, a magistrate or judge thereof.

(16) "Custodian" means a person, other than a parent or legal guardian, to whom legal or joint legal custody of the child has been given by court order.

(17) "Department" means the department of health and welfare and its authorized representatives.

(18) "Disability" means, with respect to an individual, any mental or physical impairment which substantially limits one (1) or more major life activity of the individual including, but not limited to, self-care, manual tasks, walking, seeing, hearing, speaking, learning or working, or a record of such an impairment, or being regarded as having such an impairment. Disability shall not include transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, other sexual behavior disorders, or substance use disorders, compulsive gambling, kleptomania or pyromania. Sexual preference or orientation is not considered an impairment or disability. Whether an impairment substantially limits a major life activity shall be determined without consideration of the effect of corrective or mitigating measures used to reduce the effects of the impairment.

(19) "Family or household member" shall have the same meaning as in section 39-6303(6), Idaho Code.

(20) "Foster care" means twenty-four (24) hour substitute parental care for children placed away from their parents or guardians by persons who may or may not be related to the children and for whom the state agency has placement and care responsibility.

(21) "Foster parent" means a person or persons licensed to provide foster care.

(22) "Grant administrator" means the supreme court or any organization or agency as may be designated by the supreme court in accordance with such procedures as may be adopted by the supreme court. The grant administrator shall administer funds from the guardian ad litem account in accordance with the provisions of this chapter.

(23) "Guardian ad litem" means a person appointed by the court pursuant to a guardian ad litem volunteer program to act as special advocate for a child under this chapter.

(24) "Guardian ad litem coordinator" means a person or entity receiving moneys from the grant administrator for the purpose of carrying out any of the duties set forth in section 16-1632, Idaho Code.

(25) "Guardian ad litem program" means the program to recruit, train and coordinate volunteer persons to serve as guardians ad litem for abused, neglected or abandoned children.

(26) "Homeless," as used in this chapter, shall mean that the child is without adequate shelter or other living facilities, and the lack of such shelter or other living facilities poses a threat to the health, safety or well-being of the child.

(27) "Idaho network of children's advocacy centers" means an organization that provides education and technical assistance to child advocacy centers and to interagency multidisciplinary teams developed pursuant to section 16-1617, Idaho Code.

(28) "Law enforcement agency" means a city police department, the prosecuting attorney of any county, state law enforcement officers, or the office of a sheriff of any county.

(29) "Legal custody" means a relationship created by court order, which vests in a custodian the following rights and responsibilities:

(a) To have physical custody and control of the child, and to determine where and with whom the child shall live.

(b) To supply the child with food, clothing, shelter and incidental necessities.

(c) To provide the child with care, education and discipline.

(d) To authorize ordinary medical, dental, psychiatric, psychological, or other remedial care and treatment for the child, including care and treatment in a facility with a program of services for children, and to authorize surgery if the surgery is deemed by two (2) physicians licensed to practice in this state to be necessary for the child.

(e) Where the parents share legal custody, the custodian may be vested with the custody previously held by either or both parents.

(30) "Mental injury" means a substantial impairment in the intellectual or psychological ability of a child to function within a normal range of performance and/or behavior, for short or long terms.

(31) "Neglected" means a child:

(a) Who is without proper parental care and control, or subsistence, medical or other care or control necessary for his well-being because of the conduct or omission of his parents, guardian or other custodian or their neglect or refusal to provide them; however, no child whose parent or guardian chooses for such child treatment by prayers through spiritual means alone in lieu of medical treatment shall be deemed for that reason alone to be neglected or lack parental care necessary for his health and well-being, but this subsection shall not prevent the court from acting pursuant to section 16-1627, Idaho Code; or

(b) Whose parents, guardian or other custodian are unable to discharge their responsibilities to and for the child and, as a result of such inability, the child lacks the parental care necessary for his health, safety or well-being; or

(c) Who has been placed for care or adoption in violation of law; or

(d) Who is without proper education because of the failure to comply with section 33-202, Idaho Code.

(32) "Permanency hearing" means a hearing to review, approve, reject or modify the permanency plan of the department, and review reasonable efforts in accomplishing the permanency plan.

(33) "Permanency plan" means a plan for a continuous residence and maintenance of nurturing relationships during the child's minority.

(34) "Protective order" means an order issued by the court in a child protection case, prior to the adjudicatory hearing, to enable the child to remain in the home pursuant to section 16-1615(5) ~~(f)~~, Idaho Code. Such an order shall be in the same form and have the same effect as a domestic violence protection order issued pursuant to chapter 63, title 39, Idaho Code. A protective order shall be for a period not to exceed three (3) months unless otherwise stated in the order.

(35) "Protective supervision" is a legal status created by court order in a child protective case whereby the child is in the legal custody of his or her parent(s), guardian(s) or other legal custodian(s), subject to supervision by the department.

(36) "Psychotropic medication" means a drug prescribed to affect psychological functioning, perception, behavior or mood. Psychotropic medications include, but are not limited to, antidepressants, mood stabilizers, antipsychotics, ~~anti-anxiety~~ antianxiety medications, sedatives and stimulants.

(37) "Reasonable and prudent parent standard" means the standard of care characterized by careful and sensible parental decisions that maintain the health, safety and best interests of a child while simultaneously encouraging the emotional and developmental growth of the child, that a caregiver shall use when determining whether to allow a child in foster care under the responsibility of the state to participate in extracurricular, enrichment, cultural or social activities.

(38) "Relative" means a child's grandparent, great grandparent, aunt, great aunt, uncle, great uncle, brother-in-law, sister-in-law, first cousin, sibling and half-sibling.

(39) "Residual parental rights and responsibilities" means those rights and responsibilities remaining with the parents after the transfer of legal custody including, but not necessarily limited to, the right of visitation, the right to consent to adoption, the right to determine religious affiliation, the right to family counseling when beneficial, and the responsibility for support.

(40) "Shelter care" means places designated by the department for temporary care of children pending court disposition or placement.

(41) "Supportive services," as used in this chapter, shall mean services which that assist parents with a disability to compensate for those aspects of their disability which that affect their ability to care for their child and which that will enable them to discharge their parental responsibilities. The term includes specialized or adapted training, evaluations or assistance with effectively using adaptive equipment and accommodations which that allow parents with a disability to benefit from other services including, but not limited to, Braille texts or sign language interpreters.

SECTION 4. That Section 16-1620, Idaho Code, be, and the same is hereby amended to read as follows:

16-1620. FINDING OF AGGRAVATED CIRCUMSTANCES -- PERMANENCY PLAN -- HEARING. (1) After a judicial determination that reasonable efforts to return the child to his home are not required because aggravated circumstances were found to be present, the court shall hold a permanency hearing within thirty (30) days after the finding, and every twelve (12) months thereafter for as long as the court has jurisdiction. The department shall prepare a permanency plan and file the permanency plan with the court at least five (5) days prior to the permanency hearing. If the permanency plan has a goal of termination of parental rights and adoption, the department shall file the petition to terminate as required in section 16-1624(2), Idaho Code. Copies of the permanency plan shall be delivered to the parents and other legal guardians, prosecuting attorney or deputy attorney general, the guardian ad litem and attorney for the child.

(2) The permanency plan shall have a permanency goal of termination of parental rights and adoption, guardianship or, for youth age sixteen (16) years and older only, another planned permanent living arrangement and shall set forth the reasonable efforts necessary to finalize the permanency goal.

(3) The permanency plan shall also:

(a) Identify the services to be provided to the child, including services to identify and meet any educational, emotional, physical or developmental needs the child may have, to assist the child in adjusting to the placement or to ensure the stability of the placement;

(b) Address all options for permanent placement of the child, including consideration of options for in-state and out-of-state placement of the child;

(c) Address the advantages and disadvantages of each option and include a recommendation as to which option is in the child's best interest;

(d) Specifically identify the actions necessary to implement the recommended option;

(e) Specifically set forth a schedule for accomplishing the actions necessary to implement the permanency goal;

(f) Address the options for maintaining the child's connection to the community, including individuals with a significant relationship to the child, and organizations or community activities with which the child has a significant connection. This shall also include the efforts made to ensure educational stability for the child, the efforts to keep the child in the school in which the child is enrolled at the time of placement or the reasons why remaining in that school is not in the best interests of the child;

(g) Document that siblings were placed together, or if siblings were not placed together, document the efforts made to place siblings together, the reasons why siblings were not placed together, and a plan for ensuring frequent visitation or ongoing interaction between the siblings, unless visitation or ongoing interaction would be contrary to the safety or well-being of one (1) or more of the siblings;

- (h) For youth age fourteen (14) years and older:
 - (i) Identify the services needed to assist the youth to make the transition from foster care to successful adulthood; and
 - (ii) Document the youth's rights in regard to his education, health, visitation, court participation and receipt of an annual credit report, including a signed acknowledgment by the department that the youth was provided with a written copy of these rights and that the rights were explained to the youth in an age or developmentally appropriate manner;
 - (i) For youth age sixteen (16) years and older with a proposed permanency goal of another planned permanent living arrangement, document:
 - (i) The intensive, ongoing, and as of the date of the hearing, unsuccessful efforts made to place the youth with a parent, in an adoptive placement, in a guardianship, or in the legal custody of the department in a placement with a fit and willing relative, including an adult sibling;
 - (ii) Why another planned permanent living arrangement is the best permanency plan for the youth and compelling reasons why, as of the date of the permanency hearing, it would not be in the best interest of the youth to be placed permanently with a parent, in an adoptive placement, in a guardianship, or in the legal custody of the department in a placement with a fit and willing relative, including an adult sibling;
 - (iii) The steps that the department has taken to ensure that the youth's foster parents or child care institution are following the reasonable and prudent parent standard when determining whether to allow the youth in their care to participate in extracurricular, enrichment, cultural and social activities; and
 - (iv) The opportunities provided to the youth to engage in age or developmentally appropriate activities; and
 - (j) If there is reason to believe the child is an Indian child and there has been no final determination as to the child's status as an Indian child, document:
 - (i) The efforts made to determine whether the child is an Indian child; and
 - (ii) The department's efforts to work with all tribes of which the child may be a member to verify whether the child is a member or eligible for membership; and
 - (hk) Identify the prospective adoptive parents, if known; if the prospective adoptive parents are not known, the department shall amend the plan to name the proposed adoptive parents as soon as such persons become known.
- (4) The court shall hold a permanency hearing to determine whether the best interest of the child is served by adopting, rejecting or modifying the permanency plan proposed by the department. At each permanency hearing:
- (a) For youth age twelve (12) years and older, unless good cause is shown, the court shall ask the youth about his desired permanency outcome and consult with the youth about the youth's current permanency plan;
 - (b) If there is reason to believe that the child is an Indian child and there has not been a final determination regarding the child's status as an Indian child, the court shall:
 - (i) Inquire about the efforts that have been made since the last hearing to determine whether the child is an Indian child; and
 - (ii) Determine that the department is using active efforts to work with all tribes of which the child may be a member to verify whether the child is a member or eligible for membership.
 - (c) If the child is being treated with psychotropic medication, these additional requirements shall apply:

(i) The department shall report to the court the medication and dosage prescribed for the child and the medical professional who prescribed the medication; and

(ii) The court shall inquire as to, and may make any additional inquiry relevant to, the use of psychotropic medication.

(5) Notice of the permanency hearing shall be provided to the parents and other legal guardians, prosecuting attorney or deputy attorney general, guardian ad litem, attorney for the child, the department and foster parents; provided however, that foster parents are not thereby made parties to the child protective act action.

(6) The permanency plan as approved by the court shall be entered into the record as an order of the court. The order may include interim and final deadlines for implementing the permanency plan and finalizing the permanency goal.

(7) For youth with a proposed or current permanency goal of another planned permanent living arrangement, at each permanency hearing the court shall make written, case-specific findings that as of the date of the permanency hearing, another planned permanent living arrangement is the best permanency plan for the youth and that there are compelling reasons why it is not in the youth's best interest to be placed permanently with a parent, in an adoptive placement, in a guardianship, or in the legal custody of the department in a placement with a fit and willing relative, including an adult sibling.

(8) The court may authorize the department to suspend further efforts to reunify the child with the child's parent, pending further order of the court, when a petition or other motion is filed in a child protection proceeding seeking a determination of the court that aggravated circumstances were present.

SECTION 5. That Section 16-1621, Idaho Code, be, and the same is hereby amended to read as follows:

16-1621. CASE PLAN HEARING -- NO FINDING OF AGGRAVATED CIRCUMSTANCES. (1) In every case in which the child is determined to be within the jurisdiction of the court, and there is no judicial determination that aggravated circumstances were present, the department shall prepare a written case plan, including cases in which the parent(s) is incarcerated. The court shall schedule a case plan hearing to be held within thirty (30) days after the adjudicatory hearing. The case plan shall be filed with the court no later than five (5) days prior to the case plan hearing. Copies of the case plan shall be delivered to the parents and other legal guardians, the prosecuting attorney or deputy attorney general, the guardian ad litem and attorney for the child.

(a) The court shall hold a case plan hearing to determine whether the best interest of the child is served by adopting, rejecting or modifying the case plan proposed by the department.

(b) If there is reason to believe that the child is an Indian child and there has not been a final determination regarding the child's status as an Indian child, the court shall:

(i) Inquire about the efforts that have been made since the last hearing to determine whether the child is an Indian child; and

(ii) Determine that the department is using active efforts to work with all tribes of which the child may be a member to verify whether the child is a member or eligible for membership.

(c) If the child is being treated with psychotropic medication, the court shall inquire as to, and may make any additional inquiry relevant to, the use of psychotropic medication.

(2) Notice of the case plan hearing shall be provided to the parents, and other legal guardians, the prosecuting attorney or deputy attorney gen-

eral, guardian ad litem, attorney for the child, the department and foster parents. Although foster parents are provided notice of this hearing, they are not parties to the child protective act action.

(3) If the child is placed in the legal custody of the department, the case plan filed by the department shall set forth reasonable efforts that will be made to make it possible for the child to return home. The case plan shall also:

(a) Identify the services to be provided to the child, including services to identify and meet any educational, emotional, physical or developmental needs the child may have, and to assist the child in adjusting to the placement or to ensure the stability of the placement. For youth age fourteen (14) years and older:

(i) Identify the services needed to assist the youth in making the transition to successful adulthood; and

(ii) Document the youth's rights in regard to his education and health, visitation, court participation and receipt of an annual credit report, including a signed acknowledgment by the department that the youth was provided with a written copy of these rights and that the rights were explained to the youth in an age or developmentally appropriate manner;

(b) Address the options for maintaining the child's connection to the community:

(i) Include connections to individuals with a significant relationship to the child and organizations or community activities with which the child has a significant connection;

(ii) Ensure educational stability for the child, including the efforts to keep the child in the school in which the child is enrolled at the time of placement or the reasons why remaining in that school is not in the best interests of the child;

(iii) Include a visitation plan and identify the need for supervision of visitation and child support;

(iv) Document either that siblings were placed together or, if siblings were not placed together, document the efforts made to place the siblings together, the reasons why siblings were not placed together and a plan for ensuring frequent visitation or other ongoing interaction among siblings, unless visitation or ongoing interaction would be contrary to the safety or well-being of one (1) or more of the siblings; and

(v) If there is reason to believe the child is an Indian child and there has been no final determination as to the child's status as an Indian child, document:

1. The efforts made to determine whether the child is an Indian child; and

2. The department's efforts to work with all tribes of which the child may be a member to verify whether the child is a member or eligible for membership;

(c) Include a goal of reunification and a plan for achieving that goal. The reunification plan shall identify all issues that need to be addressed before the child can safely be returned home without department supervision. The court may specifically identify issues to be addressed by the plan. The reunification plan shall specifically identify the tasks to be completed by the department, each parent or others to address each issue, including services to be made available by the department to the parents and in which the parents are required to participate, and deadlines for completion of each task. The case plan shall state with specificity the role of the department toward each parent. When appropriate, the reunification plan should identify terms for visitation, supervision of visitation and child support;

(d) Include a concurrent permanency goal and a plan for achieving that goal. The concurrent permanency goal may be one (1) of the following: termination of parental rights and adoption, guardianship or, for youth age sixteen (16) years or older only, another planned permanent living arrangement. The concurrent plan shall:

(i) Address all options for permanent placement of the child, including consideration of options for in-state and out-of-state placement of the child;

(ii) Address the advantages and disadvantages of each option and include a recommendation as to which option is in the child's best interest;

(iii) Specifically identify the actions necessary to implement the recommended option;

(iv) Specifically set forth a schedule for accomplishing the actions necessary to implement the concurrent permanency goal;

(v) Address options for maintaining the child's connection to the community, including individuals with a significant relationship to the child, and organizations or community activities with which the child has a significant connection;

(vi) Identify the names of the proposed adoptive parents when known if the permanency goal is termination of parental rights and adoption;

(vii) In the case of a child who has attained the age of fourteen (14) years, include the services needed to assist the child to make the transition from foster care to successful adulthood;

(viii) For youth with a proposed permanency goal of another permanent planned living arrangement, document:

1. The intensive, ongoing, and, as of the date of the hearing, unsuccessful efforts made to place the youth with a parent, in an adoptive placement, in a guardianship, or in the legal custody of the department in a placement with a fit and willing relative, including an adult sibling;

2. Why another planned permanent living arrangement is the best permanency goal for the youth and a compelling reason why, as of the date of the case plan hearing, it would not be in the best interest of the child to be placed permanently with a parent, in an adoptive placement, in a guardianship, or in the legal custody of the department in a placement with a fit and willing relative, including an adult sibling;

3. The steps taken by the department to ensure that the youth's foster parents or child care institution are following the reasonable and prudent parent standard when making decisions about whether the youth can engage in extracurricular, enrichment, cultural and social activities; and

4. The opportunities provided to the youth to regularly engage in age or developmentally appropriate activities; and

(viii) Identify further investigation necessary to identify or assess other options for permanent placement, to identify actions necessary to implement the recommended placement or to identify options for maintaining the child's significant connections.

(4) If the child has been placed under protective supervision of the department, the case plan, filed by the department, shall:

(a) Identify the services to be provided to the child, including services to identify and meet any educational, emotional, physical or developmental needs the child may have, and to assist the child in adjusting to the placement or to ensure the stability of the placement. For youth age fourteen (14) years and older, identify the services needed to assist the youth in making the transition to successful adulthood and document the youth's rights in regard to his education and health, vis-

itation, court participation and receipt of an annual credit report, including a signed acknowledgment by the department that the youth was provided with a written copy of his rights and that the rights were explained to the youth in an age or developmentally appropriate manner. The plan shall also address options for maintaining the child's connection to the community, including individuals with a significant relationship to the child, and organizations or community activities with which the child has a significant connection;

(b) Identify all issues that need to be addressed to allow the child to remain at home without department supervision. The court may specifically identify issues to be addressed by the plan. The case plan shall specifically identify the tasks to be completed by the department, the parents or others to address each issue, including services to be made available by the department to the parents and in which the parents are required to participate, and deadlines for completion of each task. The plan shall state with specificity the role of the department toward each parent.

(5) The case plan, as approved by the court, shall be entered into the record as an order of the court. The order may include interim and final deadlines for implementing the case plan and finalizing the permanency goal. The court's order shall provide that reasonable efforts shall be made to reunify the family in a timely manner in accordance with the case plan. Unless the child has been placed under the protective supervision of the department, the court's order shall also require the department to simultaneously take steps to accomplish the goal of reunification and the concurrent permanency goal.

SECTION 6. That 16-1644, Idaho Code, as enacted by Section 7, Chapter 347, Laws of 2016, be, and the same is hereby amended to read as follows:

16-16445. EXEMPTION. Notwithstanding any other provision of law, nothing in this chapter modifies or supersedes the requirements of the Indian child welfare act of 1978, 25 U.S.C. 1901, et seq.

SECTION 7. That 16-1644, Idaho Code, as enacted by Section 1, Chapter 284, Laws of 2016, be, and the same is hereby amended to read as follows:

16-16446. STATE DEPARTMENT OF HEALTH AND WELFARE ANNUAL REPORT. The state department of health and welfare shall submit an annual report regarding the foster care program to the germane standing committees of the legislature no later than ten (10) days following the start of each regular session. On or before February 15 of each year, the state department of health and welfare shall appear before the germane standing committees to present the report. Such report shall include, but need not be limited to, the number of children that are in the department's legal custody pursuant to this chapter, the number of such children who have been placed in foster care, how many times such children have been moved to different foster care homes and the reasons for such moves, best practices in foster care, goals to improve the foster care system in Idaho to ensure best practices are adhered to, a description of progress made with regard to the previous year's goals to improve the foster care system and any other information relating to foster care that the legislature requests. If a member of the legislature requests additional information between the time the report is received by the legislature and the time the department appears to present the report, then the department shall supplement its report to include such additional information.

SECTION 8. That Section 19-862, Idaho Code, be, and the same is hereby amended to read as follows:

19-862. APPROPRIATION FOR PUBLIC DEFENDER -- PRIVATE CONTRIBUTIONS. (1) The board of county commissioners of each county shall annually appropriate enough money to fund the indigent defense provider that it has selected under section 19-859, Idaho Code, and, except as provided in subsection (2) of this section, shall maintain not less than its local share. ~~and The board of county commissioners of each county may appropriate such money from the justice fund as provided in section 31-4602, Idaho Code, the current expense fund as provided in section 63-805, Idaho Code, and as a means of providing nonmedical indigent assistance in accordance with chapter 34, title 31, Idaho Code.~~

(2) The board of county commissioners is not required to expend its full local share if it can comply with indigent defense standards for less than that share.

(3) If the board of county commissioners of a county elects to establish and maintain an office of public defender or a joint office of public defender, the county may accept private contributions toward the support of the office.

SECTION 9. That Section 20-213A, Idaho Code, be, and the same is hereby amended to read as follows:

20-213A. COMPLIANCE WITH OPEN MEETINGS LAW -- EXECUTIVE SESSIONS AUTHORIZED -- REPORT REQUIRED. (1) All meetings of the commission of pardons and parole shall be held in accordance with the open meetings law as provided in chapter 23, title 674, Idaho Code, except:

(a) Deliberations and decisions concerning the granting, revoking, reinstating or refusing of paroles, or the granting or denying of pardons or commutations, may be made in executive session; and

(b) Votes of individual members in arriving at the parole, pardon or commutation decisions shall not be made public, provided that the commission shall maintain a record of the votes of the individual members as required in subsection (2) of this section.

(2) A written record of the vote to grant or deny parole, pardon or commutation, by each commission member in each case reviewed by that member shall be produced 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 and 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. 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.

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

(4) Nothing contained herein shall prevent the executive director for the commission or designated staff of the executive director from attending any meeting, including an executive session of the commission of pardons and parole.

(5) Nothing contained herein shall prevent the governor and chairman of the senate judiciary and rules committee and the chairman of the house of representatives judiciary, rules and administration committee from attending any meeting, including an executive session of the commission of pardons and parole.

SECTION 10. That Section 20-533A, Idaho Code, be, and the same is hereby amended to read as follows:

20-533A. COMPLIANCE WITH OPEN MEETINGS LAW -- EXECUTIVE SESSIONS AUTHORIZED -- CONFIDENTIALITY OF RECORDS. (1) All meetings of the custody review board of the Idaho department of juvenile corrections shall be held in accordance with the open meetings law as provided in chapter 23, title 674, Idaho Code, provided however:

(a) Deliberations and decisions of the board concerning whether or not a juvenile offender shall be held in custody of the Idaho department of juvenile corrections for an extended period of time past his or her nineteenth birthday may be made in executive session; and

(b) Votes of individual members in custody decisions shall not be made public, provided that the board shall maintain a record of the votes of the individual members as required in subsection (2) of this section.

(2) A written record of the vote to retain the juvenile offender in custody for an extended period of time by each board member in each case reviewed by that member shall be produced by the board. Such record shall be kept confidential and privileged from disclosure, provided the record shall be made available upon request 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.

(3) A board member or employee of the Idaho department of juvenile corrections who distributes to any person not specifically listed in this section any hearing information or records that are legally required to be kept confidential shall be guilty of a misdemeanor.

(4) Nothing contained in this section shall prevent any person from obtaining the results of any action by the board or director of the Idaho department of juvenile corrections without reference to the manner in which any member voted, and the board shall make such information public unless doing so would violate public records laws.

(5) Nothing contained in this section shall prevent the director, designated staff of the director, the governor, the chairman of the senate judiciary and rules committee or the chairman of the house of representatives judiciary, rules and administration committee from attending any meeting, including any executive session, of the custody review board.

SECTION 11. That Section 23-902, Idaho Code, be, and the same is hereby amended to read as follows:

23-902. DEFINITIONS. The following words and phrases used in this chapter shall be given the following interpretation:

(1) "Club" includes any of the following organizations where the sale of spirituous liquor for consumption on the premises is made to members and to bona fide guests of members only:

(a) A post, chapter, camp or other local unit composed solely of veterans and their duly recognized auxiliary, and which is a post, chapter, camp or other local unit composed solely of veterans which has been chartered by the congress of the United States for patriotic, fraternal or benevolent purposes, and which has, as the owner, lessee or occupant, operated an establishment for that purpose in this state; or

(b) A chapter, aerie, parlor, lodge or other local unit of an American national fraternal organization, which has, as the owner, lessee or occupant, operated an establishment for fraternal purposes in this state and actively operates in not less than thirty-six (36) states or has been in continuous existence for not less than twenty (20) years; and which has no fewer than fifty (50) bona fide members in each unit, and which owns, maintains or operates club quarters, and is authorized and incorporated to operate as a nonprofit club under the

laws of this state, and which has recognized tax exempt status under section 501(c) (8) or 501(c) (10) of the Internal Revenue Code, and has been continuously incorporated and operating for a period of not less than one (1) year. The club shall have had, during that period of one (1) year, a bona fide membership with regular meetings conducted at least once each month, and the membership shall be and shall have been actively engaged in carrying out the objects of the club. The club membership shall consist of bona fide dues-paying members, recorded by the secretary of the club, paying at least six dollars (\$6.00) per year in dues, payable monthly, quarterly or annually; and the members at the time of application for a club license shall be in good standing, having paid dues for at least one (1) full year.

(2) "Convention" means a formal meeting of members, representatives, or delegates, as of a political party, fraternal society, profession or industry.

(3) "Director" means the director of the Idaho state police.

(4) "Festival" means a period or program of festive activities, cultural events or entertainment lasting three (3) or more consecutive days.

(5) "Gaming" means any and all gambling or games of chance defined in chapters 38 and 49, title 18, Idaho Code, or any section or sections thereof, whether those games are licensed or unlicensed.

(6) "Interdicted person" means a person to whom the sale of liquor is prohibited under law.

(7) "License" means a license issued by the director to a qualified person, under which it shall be lawful for the licensee to sell and dispense liquor by the drink at retail, as provided by law.

(8) "Licensee" means the person to whom a license is issued under the provisions of law.

(9) "Liquor" means all kinds of liquor sold by and in a state liquor store of the state of Idaho.

(10) "Live performance" means a performance occurring in a theater and not otherwise in violation of any provision of Idaho law.

(11) "Municipal license" means a license issued by a municipality of the state of Idaho under the provisions of law.

(12) "Party" means a social gathering especially for pleasure or amusement and includes, but is not limited to, such social events as weddings, birthdays, and special holiday celebrations to include, but not be limited to, New Year's celebrations, Super Bowl Sunday, St. Patrick's Day, the Fourth of July and Labor Day.

(13) "Person" means any individual, corporation, business corporation, nonprofit corporation, benefit corporation as defined in section 30-2002(1), Idaho Code, partnership, limited partnership, limited liability company, general cooperative association, limited cooperative association, estate, unincorporated nonprofit association, statutory trust, business trust, common-law business trust, estate trust, association, joint venture, public corporation, government or governmental subdivision, agency or instrumentality, any entity defined in section 30-21-102, Idaho Code, or any other commercial entity, whether conducting the business singularly or collectively.

(14) "Premises" means the building and contiguous property owned or leased or used under a government permit by a licensee, as part of the business establishment in the business of sale of liquor by the drink at retail, which property is improved to include decks, docks, boardwalks, lawns, gardens, golf courses, ski resorts, courtyards, patios, poolside areas or similar improved appurtenances in which the sale of liquor by the drink at retail is authorized under the provisions of law.

(15) "Rules" means rules promulgated by the director in accordance with the provisions of law.

(16) "State liquor store" means a liquor store or distributor established under and pursuant to the laws of the state of Idaho for the package sale of liquor at retail.

(17) "Theater" means a room, place or outside structure for performances or readings of dramatic literature, plays or dramatic representations of an art form not in violation of any provision of Idaho law.

(178) "Brewery" means a place, premises or establishment for the manufacture, bottling or canning of beer.

(189) "Winery" means a place, premises or establishment within the state of Idaho for the manufacture or bottling of table wine or dessert wine for sale. Two (2) or more wineries may use the same premises and the same equipment to manufacture their respective wines, to the extent permitted by federal law.

(1920) All other words and phrases used in this chapter, the definitions of which are not herein given, shall be given their ordinary and commonly understood and acceptable meanings.

SECTION 12. That Section 30-29-1601, Idaho Code, be, and the same is hereby amended to read as follows:

30-29-1601. CORPORATE RECORDS. (1) A corporation shall keep as permanent records minutes of all meetings of its shareholders and board of directors, a record of all actions taken by the shareholders or board of directors without a meeting, and a record of all actions taken by a committee of the board of directors in place of the board of directors on behalf of the corporation.

(2) A corporation shall maintain appropriate accounting records.

(3) A corporation or its agent shall maintain a record of its shareholders, in a form that permits preparation of a list of the names and addresses of all shareholders, in alphabetical order by class of shares showing the number and class of shares held by each.

(4) A corporation shall maintain its records in written form or in another form capable of conversion into written form within a reasonable time.

(5) A corporation shall keep a copy of the following records at its principal office:

(a) Its articles or restated articles of incorporation, all amendments to them currently in effect, and any notices to shareholders referred to in section 30-29-120(2)(e), Idaho Code, regarding facts on which a filed document is dependent;

(b) Its bylaws or restated bylaws and all amendments to them currently in effect;

(c) Resolutions adopted by its board of directors creating one (1) or more classes or series of shares, and fixing their relative rights, preferences, and limitations, if shares issued pursuant to those resolutions are outstanding;

(d) The minutes of all shareholders' meetings, and records of all action taken by shareholders without a meeting, for the past three (3) years;

(e) All written communications to shareholders generally within the past three (3) years, including the financial statements furnished for the past three (3) years under section 30-29-1620, Idaho Code;

(f) A list of the names and business addresses of its current directors and officers; and

(g) Its most recent annual report delivered to the secretary of state under section 30-29-1622 30-21-213, Idaho Code.

SECTION 13. That Section 31-1433, Idaho Code, be, and the same is hereby amended to read as follows:

31-1433. CONTINUATION OF EXISTING DISTRICTS -- VALIDATING ACTS OF OFFICERS. Nothing in this chapter shall be construed as impairing the legality or organization of any fire protection district heretofore organized pursuant to law, nor the legality of any act of such district done in accordance with the prior law, nor shall it be deemed to affect the legality of the election of any officer of any such existing fire protection district, and all directors and officers duly elected, qualified and holding office at the time of the taking effect of this chapter, shall continue to serve in such office until the expiration of their present terms; provided, however, that such fire protection districts as have existed heretofore shall comply with the provisions of this chapter as soon as they can conveniently do so and thereafter be governed by the provisions of this chapter. Nor shall anything in this chapter be deemed in any way to affect the existing indebtedness of any fire protection district created under and by virtue of the provisions of chapter 30, title 30, Idaho Code. All such existing fire protection districts, and the lawful acts of their officers and agents, are hereby declared prima facie lawful as de facto fire protection districts; provided, however, that such districts shall comply with the provisions of this chapter as soon as they can conveniently do so and thereafter be governed by the provisions of this chapter.

SECTION 14. That Section 33-518, Idaho Code, be, and the same is hereby amended to read as follows:

33-518. EMPLOYEE PERSONNEL FILES. The board of trustees of each school district, including any specially chartered district, shall provide for the establishment and maintenance of a personnel file for each employee of the school district. Each personnel file shall contain any and all material relevant to the evaluation of the employee. The employee shall be provided timely notice of all materials placed in the personnel file and shall be afforded the opportunity to attach a rebuttal to any such materials. Personnel files are declared to be confidential and excepted from public access under any provision of the Idaho Code, including, but not limited to, sections 9-338 74-102 and 59-1009, Idaho Code, provided that each employee or designated representative shall be given access to his own personnel file upon request and shall be provided copies of materials contained therein, with the exception of recommendation letters, in a timely manner upon request.

SECTION 15. That Chapter 56, Title 33, Idaho Code, as enacted by Section 1, Chapter 143, Laws of 2016, be, and the same is hereby amended to read as follows:

CHAPTER 560
PARENTAL RIGHTS IN EDUCATION

33-56016001. PARENTAL RIGHTS. (1) A student's parent or guardian has the right to reasonable academic accommodation from ~~their~~ the child's public school. "Reasonable accommodation" means the school shall make its best effort to enable a parent or guardian to exercise their rights without substantial impact to staff and resources, including employee working conditions, safety and supervision on school premises for school activities and the efficient allocation of expenditures, while balancing the parental rights of parents and guardians, the educational needs of other students, the academic and behavioral impacts to a classroom, a teacher's workload and the assurance of the safe and efficient operations of the school.

(2) School districts and the boards of directors of public charter schools, in consultation with parents, teachers and administrators, shall develop and adopt a policy to promote the involvement of parents and guardians of children enrolled in the schools within the school district or the charter school, including:

(a) A plan for parent participation in the schools that is designed to improve parent and teacher cooperation in such areas as homework, attendance and discipline;

(b) A process by which parents may learn about the course of study for their children and review learning materials, including the source of any supplemental educational materials; and

(c) A process by which parents who object to any learning material or activity on the basis that it harms the child or impairs the parents' firmly held beliefs, values or principles, may withdraw their child from the activity, class or program in which the material is used.

33-56026002. ANNUAL NOTICE OF PARENTAL RIGHTS. School districts and the boards of directors of public charter schools shall annually notify a parent or guardian of a student enrolled in the school district or public charter school of the parent's or guardian's rights as specified in this chapter.

SECTION 16. That Chapter 58, Title 33, Idaho Code, as enacted by Section 1, Chapter 192, Laws of 2016, be, and the same is hereby amended to read as follows:

CHAPTER 589
IDAHO SCHOOL SAFETY AND SECURITY ACT

33-58015901. SHORT TITLE. This chapter shall be known and may be cited as the "Idaho School Safety and Security Act."

33-58025902. LEGISLATIVE INTENT. It is the intent of the legislature that the purpose of this chapter is to:

(1) Promote the safety and security of the students attending the public educational institutions of the state;

(2) Provide recommendations, systems and training to assist public educational institutions at all levels for the safety and security of students;

(3) Enhance the safety and security resources available to public educational institutions;

(4) Ensure that periodic security assessments of statewide public educational institutions are conducted and reported;

(5) Ensure that surveys are conducted and research information is reported to appropriate parties;

(6) Promote the use of technical methods, devices and improvements to address school security;

(7) Encourage the recognition of security design to be incorporated in future construction or renovation of public educational institutions; and

(8) Provide written reports of security assessments to appropriate school administrative authorities.

33-58035903. DEFINITION. For the purposes of this chapter, "public educational facility" means all structures and buildings existing now or constructed in the future that are owned, leased or used by public educational institutions, which include public colleges, public community colleges, public universities, public school districts, public charter schools, or a school for children in any grades kindergarten through 12 that is operated by the state of Idaho receiving state funding.

33-58045904. OFFICE OF SCHOOL SAFETY AND SECURITY. (1) There is hereby established in the Idaho division of building safety the office of school safety and security. The administrator of the division of building safety may hire a manager of the office of school safety and security who shall be responsible for the performance of the regular administrative functions of the office and other duties as the administrator may direct. The manager of the office of school safety and security shall be a nonclassified employee. The administrator of the division of building safety may employ persons in addition to the manager in other positions or capacities as he or she deems necessary to fulfill the responsibilities of the office of school safety and security as set forth in this section. The administrator shall provide an office, office equipment and facilities as may be reasonably necessary for the proper performance of the duties of the office manager and other office personnel.

(2) The administrator of the division of building safety and the manager and other personnel of the office of school safety and security may enter all public educational facilities in this state at reasonable times to conduct annual assessments for consistency with the school safety and security guidelines developed by the Idaho school safety and security advisory board. To the extent possible, such assessments should occur simultaneously with inspections conducted pursuant to section 39-8008, Idaho Code. The office of school safety and security shall prepare a written report for each security assessment it conducts. At a minimum, such reports shall include any safety or security vulnerabilities found in the subject school and recommendations for remedying such vulnerabilities. The office shall provide a copy of the report to the local education agency and to the school principal or president. The office shall also prepare an annual report, a copy of which shall be submitted to the state board of education and to the Idaho school safety and security advisory board each year.

(3) Upon request of any public educational institution, the office of school safety and security shall provide training and technical assistance on best practices and resources for school safety and security as set forth in the guidelines established by the Idaho school safety and security advisory board.

(4) The Idaho division of building safety may receive grant moneys on behalf of the office of school safety and security to carry out the responsibilities of the office.

(5) On July 1 of each year, or as soon as practicable, the state controller shall transfer three hundred thousand dollars (\$300,000) from the public school income fund to the division of building safety's miscellaneous revenue fund 0349 for the purposes of this section.

33-58055905. IDAHO SCHOOL SAFETY AND SECURITY ADVISORY BOARD. (1) There is hereby established in the Idaho division of building safety the Idaho school safety and security advisory board. The advisory board shall consist of thirteen (13) members as follows:

- (a) Four (4) members appointed by the governor as follows:
 - (i) One (1) parent of a student who attends an Idaho public school;
 - (ii) One (1) teacher who teaches in an Idaho public school;
 - (iii) One (1) representative of a local school board; and
 - (iv) One (1) representative of school superintendents;
- (b) One (1) representative from the office of the state superintendent of public instruction;
- (c) One (1) representative from the state board of education;
- (d) One (1) representative from the Idaho state police;
- (e) One (1) representative from the Idaho chiefs of police association;
- (f) One (1) representative from the Idaho sheriffs' association;

- (g) One (1) representative from the Idaho bureau of homeland security office of emergency management;
- (h) One (1) representative from the Idaho fire chiefs association; and
- (i) Two (2) representatives from the state legislature that shall include one (1) member from the senate appointed by the president pro tempore of the senate and one (1) member from the house of representatives appointed by the speaker of the house of representatives.
- (2) The members of the advisory board shall serve the following terms:
- (a) The gubernatorial appointees shall serve terms of three (3) years.
- (b) All other members shall serve terms of two (2) years.
- (3) A vacancy on the advisory board shall be filled in the same manner as the original appointment and for the balance of the unexpired term.
- (4) The advisory board shall appoint a chairperson from among its members for a term certain.
- (5) The members of the advisory board shall be compensated as provided in section 59-509(b), Idaho Code.
- (6) The advisory board shall meet at least annually, but may meet more frequently subject to the call of the chairperson.

33-58065906. POWERS AND DUTIES OF THE IDAHO SCHOOL SAFETY AND SECURITY ADVISORY BOARD. The Idaho school safety and security advisory board shall:

- (1) Develop, annually review and modify, if necessary, school safety and security guidelines for the office of school safety and security to use in conducting its annual assessments, training and technical assistance pursuant to section 33-58045904, Idaho Code;
- (2) Regularly assess safety and security resources that may be used in public educational facilities; and
- (3) On or before February 1 of each year, report to the legislature and to the governor on the status of school safety and security in the Idaho public educational facilities.

SECTION 17. That Section 39-3133, Idaho Code, be, and the same is hereby amended to read as follows:

39-3133. EXECUTIVE COMMITTEE OF THE REGIONAL BEHAVIORAL HEALTH BOARDS. Each regional behavioral health board shall annually elect from within its membership an executive committee of five (5) members empowered to make fiscal, legal and business decisions on behalf of the full board or join with another governmental entity that can fulfill the same management infrastructure function. If the regional behavioral health board elects to create its own internal executive committee, the membership shall be representative of the regional behavioral health board membership and must, at a minimum, include one (1) mental health consumer or advocate and one (1) substance use disorder consumer or advocate. The executive committees or the partner public entity shall have the power and duty, on behalf of the regional behavioral health boards, to:

- (1) Establish a fiscal control policy as required by the state controller;
- (2) Enter into contracts and grants with other governmental and private agencies, and this chapter hereby authorizes such other agencies to enter into contracts with the regional behavioral health boards, as deemed necessary to fulfill the duties imposed upon the board to promote and sustain the ability of individuals with behavioral health disorders to live in the community and avoid institutionalization;
- (3) Develop and maintain bylaws as necessary to establish the process and structure of the board; and
- (4) Employ and fix the compensation, subject to the provisions of chapter 53, title 67, Idaho Code, of such personnel as may be necessary to carry out the duties of the regional behavioral health boards.

All meetings of the executive committee shall be held in accordance with the open meetings law as provided for in chapter 23, title 674, Idaho Code.

SECTION 18. That Section 39-3134, Idaho Code, be, and the same is hereby amended to read as follows:

39-3134. REGIONAL BEHAVIORAL HEALTH BOARD -- MEMBERS -- TERMS -- APPOINTMENT. A regional behavioral health board for each region shall consist of twenty-two (22) members and shall be appointed as provided herein. All meetings of the regional behavioral health board shall be held in accordance with the open meetings law as provided for in chapter 23, title 674, Idaho Code. Members shall be comprised of the following: three (3) county commissioners or their designee; two (2) department of health and welfare employees who represent the behavioral health system within the region; one (1) parent of a child with a serious emotional disturbance; one (1) parent of a child with a substance use disorder; a law enforcement officer; one (1) adult mental health services consumer representative; one (1) mental health advocate; one (1) substance use disorder advocate; one (1) adult substance use disorder services consumer representative; one (1) family member of an adult mental health services consumer; one (1) family member of an adult substance use disorder services consumer; a private provider of mental health services within the region; a private provider of substance use disorder services within the region; a representative of the elementary or secondary public education system within the region; a representative of the juvenile justice system within the region; a representative of the adult correction system within the region; a representative of the judiciary appointed by the administrative district judge; a physician or other licensed health practitioner from within the region; and a representative of a hospital within the region. The consumer, parent and family representatives shall be selected from nominations submitted by behavioral health consumer and advocacy organizations. The board may have nonvoting members as necessary to fulfill its roles and responsibilities. The board shall meet at least twice each year, and shall annually elect a chairperson and other officers as it deems appropriate.

On the effective date of this chapter, the appointing authority in each region shall be a committee composed of the chairperson of the board of county commissioners of each of the counties within the region, the current chair of the regional mental health board and the current chair of the regional advisory committee and, after the initial appointment of members to the regional behavioral health board, the current chair of the regional behavioral health board and one (1) representative of the department of health and welfare. The committee shall meet annually or as needed to fill vacancies on the board.

The appointing authority in each region shall determine if members of the regional mental health board and the regional advisory committee who are serving on the effective date of this chapter may continue to serve until the end of the current term of their appointment or they may end all current appointments and create the board membership based upon the requirements of this section. If the appointing authority decides to allow current members of the board to serve out their current terms, appointments made after the effective date of this chapter shall be made in a manner to achieve the representation provided in this section as soon as reasonably practical.

The term of each member of the board shall be for four (4) years; provided however, that of the members first appointed, one-third (1/3) from each region shall be appointed for a term of two (2) years; one-third (1/3) for a term of three (3) years; and one-third (1/3) for a term of four (4) years. After the membership representation required in this section is achieved, vacancies shall be filled for the unexpired term in the same manner as original appointments. Board members shall be compensated as

provided for in section 59-509(b), Idaho Code, and such compensation shall be paid from the operating budget of the regional behavioral health board as resources allow.

SECTION 19. That Chapter 93, Title 39, Idaho Code, as enacted by Section 1, Chapter 168, Laws of 2016, be, and the same is hereby amended to read as follows:

CHAPTER 934
RIGHT TO TRY ACT

39-93019401. SHORT TITLE. This chapter shall be known and may be cited as the "Right to Try Act."

39-93029402. LEGISLATIVE INTENT. It is the intent of the legislature to provide the opportunity for terminally ill patients to have access to certain investigational treatments without requiring another party, including a physician, manufacturer, insurer or government agency, to offer, provide or pay for such treatments. By enacting this chapter, the legislature intends only to permit these treatments to terminally ill patients in Idaho. It is not the intent of the legislature to create an obligation but to ensure that all persons or parties availing themselves of this chapter do so voluntarily. Due to the experimental nature of these treatments, it is further the intent of the legislature to protect physicians and other parties from civil, criminal or professional liability relating to the treatments.

39-93039403. DEFINITIONS. As used in this chapter:

(1) "Eligible patient" or "patient" means an individual who has a terminal illness and has:

(a) Considered all other treatment options currently approved by the United States food and drug administration;

(b) Received a recommendation from the patient's treating physician for an investigational drug, biological product or device for purposes related to the terminal illness;

(c) Given written, informed consent for the use of the recommended investigational drug, biological product or device; and

(d) Received documentation from the eligible patient's treating physician that the eligible patient meets the requirements of this subsection.

(2) "Investigational drug, biological product or device" means a drug, biological product or device that has successfully completed phase 1 of a clinical trial but has not yet been approved for general use by the United States food and drug administration and remains under investigation in a United States food and drug administration-approved clinical trial.

(3) "Terminal illness" means a progressive disease or medical or surgical condition that:

(a) Entails functional impairment that significantly impacts the patient's activities of daily living;

(b) Is not considered by a treating physician to be reversible even with administration of current United States food and drug administration-approved and available treatments; and

(c) Without life-sustaining procedures, will soon result in death.

(4) "Written, informed consent" means a written document that is signed by the eligible patient and, if the patient is a minor, a parent or legal guardian, which document is attested to by the patient's physician and a witness and that includes the following:

(a) An explanation of the currently approved products and treatments for the disease or condition from which the patient suffers;

- (b) An attestation that the patient concurs with the patient's physician in believing that all currently approved and conventionally recognized treatments are unlikely to prolong the patient's life;
- (c) Clear identification of the specific proposed investigational drug, biological product or device that the patient is seeking to use;
- (d) A description of the potentially best and worst outcomes of using the investigational drug, biological product or device and a realistic description of the most likely outcome. The description shall include the possibility that new, unanticipated, different or worse symptoms might result and that death could be hastened by the proposed treatment. The description shall be based on the physician's knowledge of the proposed treatment in conjunction with an awareness of the patient's condition;
- (e) A statement that the patient's health plan or third-party administrator and provider are not obligated to pay for any care or treatments consequent to the use of the investigational drug, biological product or device unless specifically required to do so by law or contract;
- (f) A statement that the patient's eligibility for hospice care might be withdrawn if the patient begins curative treatment with the investigational drug, biological product or device and that care may be reinstated if the treatment ends and the patient meets hospice eligibility requirements; and
- (g) A statement that the patient understands that the patient is responsible for all expenses consequent to the use of the investigational drug, biological product or device and that this liability extends to the patient's estate unless a contract between the patient and the manufacturer of the drug, biological product or device states otherwise.

39-93049404. INVESTIGATIONAL DRUGS -- RIGHT TO TRY AND PROVIDE. (1) An eligible patient may request, and a manufacturer may make available to an eligible patient under the supervision of the patient's treating physician, the manufacturer's investigational drug, biological product or device, which drug, product or device shall be clearly labeled as investigational; provided however, that this chapter does not require that a manufacturer make available an investigational drug, biological product or device to an eligible patient.

(2) A manufacturer may:

- (a) Provide an investigational drug, biological product or device to an eligible patient without receiving compensation; or
- (b) Require an eligible patient to pay the costs associated with the manufacture of the investigational drug, biological product or device.

39-93059405. NO COVERAGE OBLIGATION. (1) This chapter does not expand the coverage required of an insurer under the laws of this state.

(2) A health plan, third-party administrator or government agency may, but is not required to, provide coverage for the cost of an investigational drug, biological product or device or the cost of services related to the use of an investigational drug, biological product or device.

(3) This chapter does not require any health plan, third-party administrator or government agency to pay costs associated with the use of an investigational drug, biological product or device.

(4) This chapter does not require a hospital or facility licensed in this state to provide new or additional services unless such services are approved by the hospital or facility.

39-93069406. HEIRS NOT LIABLE FOR TREATMENT DEBT. If a patient dies while being treated by an investigational drug, biological product or device under the terms of this chapter, the patient's heirs are not liable for

any outstanding debt related to the treatment or lack of insurance due to the treatment.

39-93079407. PROHIBITIONS. (1) A licensing board or disciplinary body of this state shall not revoke, fail to renew, suspend or take any action against a health care provider's license based solely on the provider's recommendations to an eligible patient regarding access to or treatment with an investigational drug, biological product or device as allowed under this act.

(2) An entity responsible for medicare certification shall not take action against a health care provider's medicare certification based solely on the health care provider's recommendation that a patient have access to an investigational drug, biological product or device as allowed under this act.

(3) An official, employee or agent of this state shall not block or attempt to block an eligible patient's access to an investigational drug, biological product or device as allowed under this act.

39-93089408. LIMITATIONS. (1) This chapter does not create a private cause of action against a manufacturer of an investigational drug, biological product or device or against a physician or any other person or entity involved in the care of an eligible patient using an investigational drug, biological product or device for any harm done to the eligible patient resulting from the investigational drug, biological product or device, provided that the manufacturer, physician, or person or entity has exercised reasonable care and complied in good faith with the terms of this chapter.

(2) This chapter does not create a private cause of action against a treating physician who refuses to recommend an investigational drug, biological product or device to a patient with a terminal illness.

39-93099409. MANDATORY COVERAGE NOT AFFECTED. This chapter does not affect any mandatory health care coverage for participation in clinical trials provided elsewhere by law.

SECTION 20. That Section 41-307, Idaho Code, be, and the same is hereby amended to read as follows:

41-307. AUTHORIZATION FOR INVESTMENT PURPOSES ONLY. A foreign insurer may make investments in this state without certificate of authority as provided by section ~~30-1-1501~~ 30-21-502, Idaho Code. Such an insurer shall not be subject to any other provision of this code.

SECTION 21. That Section 41-332, Idaho Code, be, and the same is hereby amended to read as follows:

41-332. FOREIGN INSURERS EXEMPT FROM CORPORATION LAWS GOVERNING ADMISSION OF FOREIGN CORPORATIONS. A foreign insurer authorized to transact insurance in this state and fully complying with this code shall be exempt from complying with the provisions of sections ~~30-1-1501~~ 30-21-501 through ~~30-1-1532~~ 30-21-512, Idaho Code.

SECTION 22. That Section 41-342, Idaho Code, be, and the same is hereby amended to read as follows:

41-342. REDOMESTICATION AS A DOMESTIC INSURER -- CONVERSION TO FOREIGN INSURER. (1) Any insurer which is organized under the laws of any other state and is admitted to do business in this state for the purpose of writing insurance may become a domestic insurer by complying with all of the requirements of law relative to the organization and licensing of a domestic insurer

of the same type and by designating its principal place of business at a place in Idaho in compliance with section 41-2839, Idaho Code. Such a domestic insurer shall be entitled to a certificate of redomestication and a certificate of authority to transact business in this state, and shall have the same rights and obligations as other domestic insurers of this state.

(2) Any domestic insurer may, upon the approval of the director, transfer its domicile to any other state in which it is admitted to transact the business of insurance. Upon such a transfer, the insurer shall cease to be a domestic insurer. If the insurer is otherwise qualified, the director shall admit the insurer to this state as a foreign insurer. The director shall approve any such proposed transfer unless he determines that such a transfer is not in the interest of the policyholders of the insurer in this state. After the director has approved the transfer, the director shall provide written notice to the secretary of state that the insurer has transferred its domicile to another state, stating the effective date of the transfer and the state to which the insurer has transferred its domicile. Upon receipt of the written notice from the director and the payment of the fee required in section ~~30-1-122~~ 30-21-214, Idaho Code, the secretary of state shall file the notice and, on the effective date of the transfer, terminate the existence of the insurance company as a domestic corporation.

(3) The certificate of authority, appointment of statutory agent and licenses, policy forms, rates, authorizations and other filings and approvals in existence at the time an insurer admitted to transact insurance in this state transfers its corporate domicile to this or any other state, continue in effect upon the transfer of corporate domicile. All rates and outstanding policies of any transferring insurer shall remain in full force and effect and policies need not be endorsed as to the new domicile unless so ordered by the director. Every transferring insurer shall either file new policy forms for use in this state with the director on or before the effective date of the transfer, or use existing policy forms in this state with appropriate endorsements as allowed by, and under such conditions as may be approved by the director. Every transferring insurer shall notify the director of the proposed transfer, and shall promptly file any resulting amendments to its corporate documents required to be filed with the director.

SECTION 23. That Section 41-343, Idaho Code, be, and the same is hereby amended to read as follows:

41-343. ARTICLES OF REDOMESTICATION. (1) Upon receiving approval under section 41-342, Idaho Code, articles of redomestication shall be executed in duplicate by an insurance corporation by its president or a vice president and by its secretary or an assistant secretary and verified by one (1) of the officers of the corporation and shall set forth:

(a) The date of approval of the director of the Idaho department of insurance of the redomestication; and

(b) The state in which the insurer was originally incorporated, the date the insurer was incorporated in that state, and the date the insurer was authorized to do business as an insurer in the state in which it was originally incorporated.

(2) The insurer shall attach to the articles of redomestication:

(a) Articles of incorporation including such amendments as may be required to comply with the requirements of ~~section 30-1-54~~ part 10, chapter 29, title 30, Idaho Code;

(b) A copy of the certificate of redomestication issued by the director of the Idaho department of insurance.

(3) Duplicate originals of the articles of redomestication shall be delivered to the secretary of state. If the secretary of state finds that such

articles conform to law, he shall, when all fees have been paid as prescribed in chapter 21, title 30, Idaho Code:

- (a) Endorse on each of such duplicate originals the ~~work~~ word "Filed," and the month, day and year of the filing, together with the date from which the insurer has existed and operated as an insurer which shall be the date the insurer was originally incorporated in the state in which the insurer was originally incorporated;
 - (b) File one (1) of such duplicate originals in his office; and
 - (c) Issue a certificate ~~of~~ of redomestication setting forth the date on which the articles of redomestication were filed and the date from which the insurer has existed and operated as an insurer which shall be the date the insurer was originally incorporated in the state in which the insurer was originally incorporated.
- (4) The certificate of redomestication, together with the duplicate original of the articles of redomestication affixed thereto by the secretary of state, shall be returned to the insurer or to its representative.

SECTION 24. That Section 41-2803, Idaho Code, be, and the same is hereby amended to read as follows:

41-2803. APPLICABILITY OF GENERAL CORPORATION STATUTES. (1) The applicable statutes of this state relating to the powers and procedures of domestic private corporations formed for profit shall apply to domestic stock insurers and to domestic mutual insurers, except where in conflict with the express provisions of this code and the reasonable implications of such provisions.

(2) Domestic stock insurers and domestic mutual insurers are exempt from the provisions of section ~~30-1-1622~~ 30-21-213, Idaho Code.

SECTION 25. That Section 41-2804, Idaho Code, be, and the same is hereby amended to read as follows:

41-2804. INCORPORATION. (1) This section applies to stock and mutual insurers hereafter incorporated in this state.

(2) Incorporators. Seven (7) or more individuals who are citizens of this state may incorporate a stock insurer; ten (10) or more of such individuals may incorporate a mutual insurer.

(3) Articles of incorporation. The incorporators shall prepare and execute in triplicate articles of incorporation in accordance with the applicable provisions of chapters 21 and 30, title 30, Idaho Code, known as the "General Business Corporation" laws of this state, but subject to the following requirements:

(a) In addition to matters required or permitted under such general business corporation laws which are not inconsistent with this provision or this code, the articles of incorporation shall set forth:

(i) The name of the corporation, which shall comply with section 41-311, Idaho Code.

(ii) The kinds of insurance, as defined in this code, which the corporation is formed to transact.

(iii) If a stock corporation, its authorized capital stock, the number of shares of stock into which divided and the par value of each such share, which par value shall be at least one dollar (\$1.00). Shares without par value shall not be authorized.

(iv) If a stock corporation, the extent, if any, to which shares of its stock are subject to assessment.

(v) If a mutual corporation, the maximum contingent liability of its members, for payment of losses and expenses incurred, other than as to nonassessable policies issued as permitted under section 41-2849, Idaho Code; such liability shall be as stated in the

articles of incorporation, but shall not be less than one (1) nor more than six (6) annual premiums for the member's policy.

(vi) The name and residence address of each incorporator, and whether each such incorporator is a citizen of this state.

(b) Articles of incorporation shall be filed as provided in section 41-2805, Idaho Code.

SECTION 26. That Section 41-3824, Idaho Code, be, and the same is hereby amended to read as follows:

41-3824. MUTUAL INSURANCE HOLDING COMPANIES.

(1) (a) A domestic mutual insurer, upon approval of the director, may reorganize by forming an insurance holding company system, which shall be designated as "a mutual insurance holding company," based upon a mutual insurance company plan and continuing the corporate existence of the reorganizing insurer as a stock insurer. The director, after a public hearing as provided in section 41-3806, Idaho Code, if satisfied that the interests of the policyholders are properly protected and that the plan of reorganization is fair and equitable to the policyholders, may approve the proposed plan of reorganization and may require as a condition of approval such modifications of the proposed plan of reorganization as the director finds necessary for the protection of the policyholders' interests. The director may retain consultants for this purpose as provided in section 41-3806(5), Idaho Code. A reorganization pursuant to this section is subject to the requirements of sections 41-3804 and 41-3805, Idaho Code. The director shall retain jurisdiction over a mutual insurance holding company organized pursuant to this section to assure that policyholder interests are protected.

(b) All of the initial shares of the capital stock of the reorganized insurer shall be issued to the mutual insurance holding company. The membership interests of the policyholders of the reorganized insurer shall become membership interests in the mutual insurance holding company. Policyholders of the reorganized insurer shall be members of the mutual insurance holding company in accordance with the articles of incorporation and bylaws of the mutual insurance holding company. The mutual insurance holding company shall at all times own a majority of the voting shares of the capital stock of the reorganized insurer.

(2) (a) A domestic mutual insurer, upon the approval of the director, may reorganize by merging its policyholders' membership interests into a mutual insurance holding company formed pursuant to subsection (1) of this section and continuing the corporate existence of the reorganizing insurer as a stock insurer subsidiary of the mutual insurance holding company. The director, after a public hearing as provided in section 41-3806, Idaho Code, if satisfied that the interests of the policyholders are properly protected and that the merger is fair and equitable to the policyholders, may approve the proposed merger and may require as a condition of approval such modifications of the proposed merger as the director finds necessary for the protection of the policyholders' interests. For this purpose, the director may retain consultants as provided in section 41-3806(5), Idaho Code. A merger pursuant to this subsection is subject to sections 41-3804 and 41-3805, Idaho Code. The director shall retain jurisdiction over the mutual insurance holding company organized pursuant to this section to assure that policyholder interests are protected.

(b) All of the initial shares of the capital stock of the reorganized insurer shall be issued to the mutual insurance holding company. The membership interests of the policyholders of the reorganized insurance company shall become membership interests in the mutual insurance holding company. Policyholders of the reorganized insurer shall be

members of the mutual insurance holding company in accordance with the articles of incorporation and bylaws of the mutual insurance holding company. The mutual insurance holding company shall at all times own a majority of the voting shares of the capital stock of the reorganized insurer. A merger of policyholders' membership interests in a mutual insurer into a mutual insurance holding company shall be deemed to be a merger of insurance companies pursuant to section 41-2857, Idaho Code, and is subject to the requirements of section 41-2857, Idaho Code.

(c) A foreign mutual insurer that is a domestic insurer organized under chapter 3, title 41, Idaho Code, may reorganize upon the approval of the director and in compliance with the requirements of any law or rule applicable to the foreign mutual insurer by merging its policyholders' membership interests into a mutual insurance holding company formed pursuant to subsection (1) of this section and continuing the corporate existence of the reorganizing foreign mutual insurer as a foreign stock insurer subsidiary of the mutual insurance holding company. The director, after a public hearing as provided in section 41-3806, Idaho Code, may approve the proposed merger. The director may retain consultants as provided in section 41-3806(5), Idaho Code. A merger pursuant to this paragraph is subject to the requirements of sections 41-3804 and 41-3805, Idaho Code. The reorganizing foreign mutual insurer may remain a foreign company or foreign corporation after the merger and may be admitted to do business in this state, upon approval by the director. A foreign mutual insurer that is a party to the merger may at the same time redomesticate in this state by complying with the applicable requirements of this state and its state of domicile. The provisions of ~~subsection (2) paragraph~~ (b) of this subsection shall apply to a merger authorized under this paragraph.

(3) A mutual insurance holding company resulting from the reorganization of a domestic mutual insurer organized under chapter 21, title 30, Idaho Code, shall be incorporated pursuant to chapter 21, title 30, Idaho Code. This requirement shall supersede any conflicting provisions of chapter 21, title 30, Idaho Code. The articles of incorporation and any amendments to such articles of the mutual insurance holding company shall be subject to approval of the director in the same manner as those of an insurance company.

(4) A mutual insurance holding company is deemed to be an insurer subject to chapter 33, title 41, Idaho Code, and shall automatically be a party to any proceeding under chapter 33, title 41, Idaho Code, involving an insurer that, as a result of a reorganization pursuant to subsection (1) or (2) of this section, is a subsidiary of the mutual insurance holding company. In any proceeding under chapter 33, title 41, Idaho Code, involving the reorganized insurer, the assets of the mutual insurance holding company are deemed to be assets of the estate of the reorganized insurer for purposes of satisfying the claims of the reorganized insurer's policyholders. A mutual insurance holding company shall not be dissolved or liquidated without the prior approval of the director or as ordered by the district court pursuant to chapter 33, title 41, Idaho Code.

(5) (a) Section 41-2855, Idaho Code, is not applicable to a reorganization or merger pursuant to this section.

(b) Section 41-2855, Idaho Code, is applicable to demutualization of a mutual insurance holding company that resulted from the reorganization of a domestic mutual insurer organized pursuant to chapter 3, title 41, Idaho Code, as if the domestic mutual insurer were a mutual life insurer.

(6) A membership interest in a domestic mutual insurance holding company shall not constitute a security as defined in section 30-14-102(28), Idaho Code.

(7) The majority of the voting shares of the capital stock of the reorganized insurer, which is required by this section to be at all times owned

by a mutual insurance holding company, shall not be conveyed, transferred, assigned, pledged, subject to a security interest or lien, encumbered or otherwise hypothecated or alienated by the mutual insurance holding company or intermediate holding company. Any conveyance, transfer, assignment, pledge, security interest, lien, encumbrance, hypothecation or alienation of, in or on the majority of the voting shares of the reorganized insurer that is required by this section to be at all times owned by a mutual insurance holding company, is in violation of the provisions of this section and shall be void in inverse chronological order of the date of such conveyance, transfer, assignment, pledge, security interest, lien, encumbrance or hypothecation or alienation, as to the shares necessary to constitute a majority of such voting shares. The majority of the voting shares of the capital stock of the reorganized insurer that is required by this section to be at all times owned by a mutual insurance holding company shall not be subject to execution and levy as provided in title 11, Idaho Code. The shares of the capital stock of the surviving or new company resulting from a merger or consolidation of two (2) or more reorganized insurers or two (2) or more intermediate holding companies that were subsidiaries of the same mutual insurance holding company are subject to the same requirements, restrictions and limitations as provided in this section to which the shares of the merging or consolidating reorganized insurers or intermediate holding companies were subject as provided in this section prior to the merger or consolidation.

(a) As used in this section, "majority of the voting shares of the capital stock of the reorganized insurer" means shares of the capital stock of the reorganized insurer that carry the right to cast a majority of the votes entitled to be cast by all of the outstanding shares of the capital stock of the reorganized insurer for the election of directors and on all other matters submitted to a vote of the shareholders of the reorganized insurer. The ownership of a majority of the voting shares of the capital stock of the reorganized insurer that is required pursuant to this section to be at all times owned by a parent mutual insurance holding company includes indirect ownership through one (1) or more intermediate holding companies in a corporate structure approved by the director. However, indirect ownership through one (1) or more intermediate holding companies shall not result in the mutual insurance holding company owning less than the equivalent of a majority of the voting shares of the capital stock of the reorganized insurer. The director shall have jurisdiction over an intermediate holding company as if it were a mutual insurance holding company.

(b) As used in this section, "intermediate holding company" means a holding company that is a subsidiary of a mutual insurance holding company and that either directly or through a subsidiary intermediate holding company has one (1) or more subsidiary-reorganized insurers of which a majority of the voting shares of the capital stock would otherwise have been required pursuant to this section to be at all times owned by the mutual insurance holding company.

(8) It is the intent of the legislature that the formation of a mutual insurance holding company shall not increase the Idaho tax burden of the mutual insurance holding company system and that a stock insurance subsidiary shall continue to be subject to Idaho insurance premium taxation in lieu of all other taxes except real property taxes as provided in section 41-405, Idaho Code. Subject to approval by the director as required under Idaho law, a stock insurance subsidiary may issue dividends or distributions to the mutual insurance holding company or any intermediate holding company and such dividends or distributions shall be excluded from the Idaho taxable income of the recipients; provided however, that such exclusion shall not apply if, in the year preceding the year in which the dividends or distributions were made, the subsidiary insurer's liability for Idaho premium tax was less than

the amount of Idaho income tax, computed after allowance for income tax credits, for which the insurer would have been liable in such year had the insurer been subject to Idaho income taxation rather than premium taxation.

SECTION 27. That Section 41-4934, Idaho Code, be, and the same is hereby amended to read as follows:

41-4934. PROHIBITED PECUNIARY INTERESTS IN PLAN MANAGEMENT. (1) Neither the administrator nor any other person having responsibility for the management of the trust fund or the investment or other handling of the trust fund moneys or assets shall:

(a) Receive directly or indirectly or be pecuniarily interested in any fee, commission, compensation or emolument, other than salary or other similar compensation regularly fixed and allowed for services regularly rendered to the trust fund, arising out of any transaction to which the trust fund is or is to be a party;

(b) Receive compensation as a consultant to the trust fund while also acting as a trustee or administrator, or as an employee of either;

(c) Have any direct or indirect material pecuniary interest in any loan or investment of the trust fund.

(2) The director may, after reasonable notice and a hearing, prohibit the administrator from employing or retaining or continuing to employ or retain any person in the administration of the trust fund upon finding that such employment or retention involves a conflict of interest not in the best interests of the trust fund or adversely affecting the interests of the owners or operators insured by the trust fund.

(3) Any conflict of interest or prohibited pecuniary interest involving the members of the board of trustees of the trust fund shall be governed solely by the conflict of interest provisions of the Idaho nonprofit corporation act as set forth in section ~~30-3-81~~ 30-30-619, Idaho Code.

SECTION 28. That Section 41-6104, Idaho Code, be, and the same is hereby amended to read as follows:

41-6104. ESTABLISHMENT OF THE EXCHANGE AND THE BOARD. (1) There is hereby created an independent body corporate and politic to be known as the "Idaho Health Insurance Exchange." Said exchange may exercise the authority and powers conferred by this chapter and such exercise shall be deemed and held to be the performance of an essential public function.

(2) The exchange created by this chapter is not a state agency, shall not be subject to the purchasing statutes and rules of the state of Idaho or subdivisions of the state including, but not limited to, chapters 28 and 57, title 67, Idaho Code, and shall operate subject to the supervision and control of its board.

(3) The board shall consist of nineteen (19) total members, with seventeen (17) voting members. Subject to the provisions of this section, members of the board shall collectively offer expertise, knowledge and experience in health benefits administration, health care finance, health plan purchasing, health care delivery system administration, public health and health policy issues related to small employer and individual markets and the uninsured. A majority of the board shall not collectively represent health carriers and producers. The fourteen (14) voting members who are not members of the legislature shall be appointed to the board by, and serve at the pleasure of, the governor. The members appointed to the board by the governor shall be subject to confirmation by the senate, provided that, upon appointment, board members shall have full authority to exercise all the rights and duties, and participate in all decisions, required of the position. The seventeen (17) voting members of the board shall be appointed as follows:

- (a) Three (3) members representing different health carriers appointed by the governor;
- (b) Two (2) members representing producers appointed by the governor;
- (c) Three (3) members representing individual consumer interests appointed by the governor;
- (d) Four (4) members representing small employer business interests appointed by the governor with, at the time of appointment:
 - (i) One (1) member representing small employer business interests employing between one (1) and ten (10) employees;
 - (ii) One (1) member representing small employer business interests employing between eleven (11) and twenty-five (25) employees;
 - (iii) One (1) member representing small employer business interests employing twenty-six (26) or more employees; and
 - (iv) One (1) at-large member;
- (e) Two (2) members representing health care providers appointed by the governor;
- (f) One (1) member of the house of representatives appointed by the speaker of the house;
- (g) One (1) member of the senate appointed by the president pro tempore; and
- (h) One (1) member of the legislature representing the minority party in the legislature appointed by minority leadership.

The director or his designee and the director of the state department of health and welfare or his designee shall each serve as ex officio nonvoting members of the board.

(4) The fourteen (14) board members appointed by the governor shall each serve a term of four (4) years or until a successor is appointed. A board member may be appointed by the governor to serve subsequent terms. A vacancy in a member's position on the board shall be filled in the same manner as the original appointment.

(5) Whenever a member of the board has a conflict of interest on a matter that is before the board, the member shall fully disclose it to the board, abstain from any vote on the matter and shall also comply with any additional requirements established pursuant to the plan of operation under section 41-6105, Idaho Code.

(6) Neither members of the board nor any other person working or performing services for the exchange shall be:

- (a) Considered public officials, employees or agents of the state of Idaho by virtue of their service on the board or performance of services for the exchange; or
- (b) Eligible for or entitled to benefits from the public employee retirement system of Idaho.

(7) Nothing in this chapter shall prevent a member of the board who is otherwise a current or former state employee from receiving his usual state compensation and benefits while serving on the board.

(8) All meetings of the board shall be held in accordance with the open meetings law as provided for in chapter 23, title 674, Idaho Code, shall be held in an open public forum, and every reasonable effort shall be made to make such meetings televised or streamed in video and audio format.

(9) The board shall contract for an annual audit of the exchange by an independent third party and shall accept requests for proposal to bid on such contract.

(10) The board shall develop, adopt and implement procurement policies and guidelines.

(11) Premium rates charged by a health carrier for a health benefit plan or stand-alone dental plan offered in the exchange shall be based upon Idaho rating areas established by the director consistent with 42 U.S.C. section 300gg, et seq.

SECTION 29. That Section 50-2913, Idaho Code, be, and the same is hereby amended to read as follows:

50-2913. URBAN RENEWAL AGENCY PLANS -- REPORTING INFORMATION REQUIRED -- PENALTIES FOR FAILURE TO REPORT. In addition to the provisions applicable to urban renewal agencies in chapters 20 and 29, title 50, Idaho Code, the provisions of this section shall also apply to urban renewal agencies. For purposes of this section, "urban renewal agency" shall have the same meaning as provided in chapters 20 and 29, title 50, Idaho Code.

(1) (a) There is hereby established a central registry with the state tax commission. The registry shall serve as the unified location for the reporting of and access to administrative and financial information of urban renewal plans in this state. To establish a complete list of all urban renewal plans of urban renewal agencies operating in Idaho, on the effective date of this act and so that the registry established will be comprehensive, every urban renewal agency shall register with the state registry. For calendar year 2017, the submission of information required by subsection (2) of this section shall occur prior to March 1, 2017, and shall be in the form and format required by the state tax commission. In addition to the information required by this section for the March 1, 2017, filing deadline, the entity shall report the date of its last adoption or amendment or modification of an urban renewal plan. The registry listing will be available on the state tax commission website by July 1, 2017.

(b) The state tax commission shall notify each urban renewal agency of the requirements of this section.

(c) After March 1, and on or before December 1 of each year, the county clerk of each county shall submit a list to the state tax commission of all urban renewal agencies within the county.

(2) On or before December 1 of each year, every urban renewal agency shall submit to the central registry the following information each urban renewal plan adopted or modified pursuant to sections 50-2008 and 50-2905, Idaho Code, and any modifications or amendments to those plans.

(a) Within five (5) days of submitting to the central registry the information required by this section, the urban renewal agency shall notify the agency's appointing authority, if the entity has an appointing authority, that it has submitted such information.

(b) If any information provided by an entity as required by this section changes during the year, the entity shall update its information on the registry within thirty (30) days of any such change.

(3) Notification and penalties.

(a) If an urban renewal agency fails to submit information required by this section or submits noncompliant information required by this section, the state tax commission shall notify the entity immediately after the due date of the information that either the information was not submitted in a timely manner or the information submitted was noncompliant. The urban renewal agency shall then have thirty (30) days from the date of notice to submit the information or notify the state tax commission that it will comply by a time certain.

(b) No later than September 1 of any year, the state tax commission shall notify the appropriate board of county commissioners and city council of the entity's failure to comply with the provisions of this section. Upon receipt of such notification, the board of county commissioners shall place a public notice in a newspaper of general circulation in the county indicating that the entity is noncompliant with the legal reporting requirements of this section. The county commissioners shall assess to the entity the cost of the public notice. Such costs may be deducted from any distributions of tax increment financing of the urban renewal agency. For any noncomplying urban renewal agency,

the state tax commission shall notify the board of county commissioners and city council of the compliance status of such entity by September 1 of each year until the entity is in compliance.

(c) An urban renewal agency that fails to comply with this section shall have any property tax revenue that exceeds the amount received in the immediate prior tax year distributed to the taxing districts located in or overlapping any revenue allocation area within that urban renewal district. Said distribution shall be based on each taxing district's proportionate share of the increment value in the current tax year multiplied by the taxing district's current levy rate, reduced proportionately to match the excess to be so apportioned. Any money so received by any taxing district shall be treated as property tax revenue for the purposes of the limitation provided by section 63-802, Idaho Code.

(d) In addition to any other penalty provided in this section, in any failure to comply with this section, the state tax commission shall withhold the annual distribution of sales tax distribution pursuant to section 63-3638(13), Idaho Code, for any noncomplying urban renewal agency. The state tax commission shall withhold and retain such money in a reserve account until an urban renewal agency has complied with the provisions of this section, at which point the state tax commission shall pay any money owed to an urban renewal agency that was previously in violation of this section to the urban renewal agency.

(e) For any urban renewal agency, upon notification to the board of county commissioners from the state tax commission of noncompliance by such entity, the board of county commissioners shall convene to determine appropriate compliance measures including, but not limited to, the following:

(i) Require a meeting of the board of county commissioners and the urban renewal agency's governing body wherein the board of county commissioners shall require compliance of this section by the entity; and

(ii) Assess a noncompliance fee on the noncomplying urban renewal agency. Such fee shall not exceed five thousand dollars (\$5,000). Such fees and costs may be deducted from any distributions of the tax increment financing. Any fee collected shall be deposited into the county's current expense fund.

(54) The provisions of this section shall have no impact or effect upon reporting requirements for local governing entities relating to the state tax commission. The state tax commission may allow compliance with this section by the posting of links to an urban renewal agency's website for the posting of plans.

SECTION 30. That Section 55-115, Idaho Code, be, and the same is hereby amended to read as follows:

55-115. HOMEOWNER'S ASSOCIATION -- PROHIBITED CONDUCT. (1) As used in this section:

(a) "Homeowner's association" shall have the same meaning as in section 45-810(6), Idaho Code.

(b) "Board" means the entity that has the duty of governing the association that may be referred to as the board of directors, executive board or any such similar name.

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

(2) No fine may be imposed for a violation of the covenants and restrictions pursuant to the rules or regulations of the homeowner's association

unless the authority to impose a fine is clearly set forth in the covenants and restrictions and:

(a) A majority vote by the board shall be required prior to imposing any fine on a member for a violation of any covenants and restrictions pursuant to the rules and regulations of the homeowner's association.

(b) Written notice by personal service or certified mail of the meeting during which such vote is to be taken shall be made to the member at least thirty (30) days prior to the meeting.

(c) In the event the member begins resolving the violation prior to the meeting, no fine shall be imposed so as long as the member continues to address the violation in good faith until fully resolved.

(d) No portion of any fine may be used to increase the remuneration of any board member or agent of the board.

(e) No part of this section shall affect any statute, rule, covenant, bylaw, provision or clause that may allow for the recovery of attorney's fees.

(3) No homeowner's association may add, amend or enforce any covenant, condition or restriction in such a way that limits or prohibits the rental, for any amount of time, of any property, land or structure thereon within the jurisdiction of the homeowner's association, unless expressly agreed to in writing at the time of such addition or amendment by the owner of the affected property. Nothing in this section shall be construed to prevent the enforcement of valid covenants, conditions or restrictions limiting a property owner's right to transfer his interest in land or the structures thereon so as long as that covenant, condition or restriction applied to the property at the time the homeowner acquired his interest in the property.

(34) Attorney's fees and costs shall not accrue and shall not be assessed or collected by the homeowner's association until the homeowner's association has complied with the requirements of subsection (2) of this section and the member has failed to address the violation as prescribed in subsection (2) (c) of this section. A court of competent jurisdiction may determine the reasonableness of attorney's fees and costs assessed against a member. In an action to determine the reasonableness of attorney's fees and costs assessed by the homeowner's association against a member, the court may award reasonable attorney's fees and costs to the prevailing party.

SECTION 31. That Section 61-313, Idaho Code, be, and the same is hereby amended to read as follows:

61-313. SCHEDULE CHARGES ONLY PERMITTED. Except as in this act otherwise provided, no public utility shall charge, demand, collect or receive a greater or less lesser or different compensation from any product or commodity furnished or to be furnished or for any service rendered or to be rendered, than the rates, tolls, rentals and charges applicable to such product or commodity or service as specified in its schedules on file and in effect at the time, nor shall any such public utility refund or remit, directly or indirectly, in any manner or by any device, any portion of the rates, tolls, rentals and charges so specified nor extended to any corporation or person any form of contract or agreement or any rule or regulation of any facility or privilege except such as are specified in such schedules and as are regularly and uniformly extended to all corporations and persons: provided, that messages by telephone or cable, subject to the provisions of this act, may be classified by the utility into day, night, repeated, unrepeated, letter, commercial, press, government and such other classes of messages: provided further, that nothing in this chapter shall be construed to prevent telephone and cable companies from entering into contract with common carriers for the exchange of service at rates common to all common carriers of like class.

SECTION 32. That Section 63-602D, Idaho Code, be, and the same is hereby amended to read as follows:

63-602D. PROPERTY EXEMPT FROM TAXATION -- CERTAIN HOSPITALS. (1) For the purposes of this section, "hospital" means a hospital as defined by chapter 13, title 39, Idaho Code, and includes one (1) or more acute care, outreach, satellite, outpatient, ancillary or support facilities of such hospital whether or not any such individual facility would independently satisfy the definition of hospital.

(2) The following property is exempt from taxation: the real property owned and personal property, including medical equipment, owned or leased by a hospital corporation or a county hospital or hospital district which that is operated as a hospital and the necessary grounds used therewith.

(3) If real property, not currently exempt from taxation, is being prepared for use as a hospital, the value of the bare land only shall be taxed while the property is being prepared for use as a hospital. All improvements to and construction on the real property, while it is being prepared for use as a hospital, shall be exempt from taxation. For purposes of this section, property is being "prepared for use as a hospital" if the corporation has begun construction of a hospital project as evidenced by obtaining a building permit that will, on completion, qualify such property for an exemption and, as of the assessment date, has not abandoned the construction. Construction shall not be considered abandoned if it has been delayed by causes and circumstances beyond the corporation's control or when delay is caused by an event that has occurred in the absence of the corporation's willful neglect or intentional acts, omissions or practices engaged in by the corporation for the purpose of impeding progress. Notwithstanding the foregoing, in no event shall improvements to property that is being prepared for use as a hospital qualify for an exemption from ad valorem property tax under this subsection for more than three (3) consecutive tax years; upon completion of construction and obtaining a certificate of occupancy, the entire real property shall be exempt from taxation if the corporation meets the requirements of subsection (4) of this section; provided, property already exempt or eligible for exemption shall not be affected by the provisions of this subsection.

(4) The corporation must show that the hospital:

(a) Is organized as a nonprofit corporation pursuant to chapter 30, title 30, Idaho Code, or pursuant to equivalent laws in its state of incorporation;

(b) Has received an exemption from taxation from the Internal Revue Service pursuant to section 501(c) (3) of the Internal Revenue Code.

(5) The board of equalization shall grant an exemption to the property of: (a) a county hospital; (b) a hospital district; or (c) any hospital corporation meeting the criteria provided in subsection (4) of this section.

(6) If a hospital corporation uses property for business purposes from which a revenue is derived which that is not directly related to the hospital corporation's exempt purposes, then the property shall be assessed and taxed as any other property. If property is used in part by a hospital corporation for such purposes, then the assessor shall determine the value of the entire property and the value of the part used that is not directly related to the hospital corporation's exempt purposes. If the value of the part which that is not directly related to the hospital corporation's exempt purposes is determined to be three percent (3%) or less than the value of the entire property, then the property shall remain exempt. If the value of the part which that is not directly related to the hospital corporation's exempt purposes is determined to be more than three percent (3%) of the value of the entire property, then the assessor shall assess the proportionate part of the property, including the value of the real estate used for such purposes.

(7) A hospital corporation issued an exemption from property taxation pursuant to this section and operating a hospital having one hundred fifty (150) or more patient beds shall prepare a community benefits report to be filed with the board of equalization by December 31 of each year. The report shall itemize the hospital's amount of unreimbursed services for the prior year (including charity care, bad debt, and underreimbursed care covered through government programs); special services and programs the hospital provides below its actual cost; donated time, funds, subsidies and in-kind services; additions to capital such as physical plant and equipment; and indication of the process the hospital has used to determine general community needs which that coincide with the hospital's mission. The report shall be provided as a matter of community information. Neither the submission of the report nor the contents shall be a basis for the approval or denial of a corporation's property tax exemption.

SECTION 33. That Section 63-602GG, Idaho Code, be, and the same is hereby amended to read as follows:

63-602GG. PROPERTY EXEMPT FROM TAXATION -- LOW-INCOME HOUSING OWNED BY NONPROFIT ORGANIZATIONS. (1) As provided in this section, low-income housing owned by nonprofit organizations shall be exempt from taxation.

(2) In order to qualify as a nonprofit organization under this section, an organization must demonstrate that:

(a) It is organized as a nonprofit corporation pursuant to chapter 30, title 30, Idaho Code, or pursuant to equivalent laws in the applicable state of incorporation; and

(b) It has received an exemption from taxation from the internal revenue service pursuant to section 501(c)(3) of the Internal Revenue Code; and

(c) No proceeds or tax benefits of the organization or from the low-income housing property owned by the organization shall inure to any individual or for-profit entity other than normal employee compensation.

(3) In order to qualify for the exemption provided in this section, the low-income housing property shall meet the following qualifications:

(a) Both legal and equitable title to the property is solely owned by the nonprofit organization seeking the exemption and is managed by the owner or a related nonprofit organization qualifying for the exemption set forth in section 63-602C, Idaho Code; and

(b) Tenants shall not be evicted based upon their inability to pay for a period of three (3) months if such inability is due to a catastrophic event that is not under the tenant's control. For purposes of this subsection, "catastrophic event" means a medical condition or injury in which sudden, serious and unexpected symptoms of illness or injury are sufficiently severe to render the tenant unable to participate in employment and such illness or injury has been certified by one (1) or more licensed physicians and/or psychiatrists or psychologists. The term "catastrophic event" does not apply to individuals who voluntarily remove themselves from the workforce; and

(c) Except for a manager's unit, all of the housing units in the low-income housing property are dedicated to low-income housing in the following manner: Fifty-five percent (55%) of the units shall be rented to those earning sixty percent (60%) or less of the median income for the county in which the housing is located; twenty percent (20%) of the units shall be rented to those earning fifty percent (50%) or less of the median income of the county in which the housing is located; and twenty-five percent (25%) of the units shall be rented to those earning thirty percent (30%) or less of the median income for the county in which the housing is located.

(4) The exemption provided in this section shall not apply:

(a) If the project is financed after the effective date of this act and applicable law permits the payment of property taxes with federal or state funds, grants, loans or subsidies; or

(b) If the property is receiving federal project-based assistance, as provided by 42 U.S.C. sections 1437f(d)(2), 1437f(f)(6) and 1437f(o)(13); or

(c) To any property used by a taxpayer to qualify for tax credits under the provisions of 26 U.S.C. chapter 42 or any successor programs until such time as the property is solely owned by a nonprofit organization as defined in this section and is no longer utilized to receive federal tax credits.

(5) Notwithstanding any other provision of this section, a low-income housing property shall be exempt from taxation due to undue hardship if:

(a) The property was financed prior to the effective date of this act; and

(b) Such financing was dependent upon the tax-exempt status of the property; and

(c) The law does not allow additional federal or state revenues to be available for the payment of property taxes.

(6) Nothing in this section shall affect the qualification of properties for tax-exempt status under other provisions of title 63, Idaho Code.

SECTION 34. That Section 67-7702, Idaho Code, be, and the same is hereby amended to read as follows:

67-7702. DEFINITIONS. As used in this chapter:

(1) "Bingo" means the traditional game of chance played for a prize determined prior to the start of the game.

(a) Upon approval by the bingo-raffle advisory board, a licensee may offer bingo games in which players are allowed to select their own numbers if the cards used to conduct the games have controls that provide an audit trail adequate to determine all winning number combinations.

(b) Card-minding devices are prohibited. Autodaubing features are prohibited.

(c) Bingo shall not include "instant bingo," which is a game of chance played by the selection of one (1) or more prepackaged bingo cards, with the winner determined by the appearance of a preprinted winning designation on the bingo card.

(2) "Bingo-raffle advisory board" means a board of six (6) persons chosen by the governor to make advisory recommendations regarding bingo and raffle operations and regulation in Idaho.

(3) "Charitable organization" means an organization that has been in continuous existence in the county of operation of the charitable bingo game or raffle for at least one (1) year, that conducts charitable activities, and that is exempt from taxation under section 501(c)(3), 501(c)(4), 501(c)(6), 501(c)(8), 501(c)(10), 501(c)(19) or 501(d) of the Internal Revenue Code and is exempt from income taxation under title 63, Idaho Code, as a bona fide nonprofit charitable, civic, religious, fraternal, patriotic or veterans organization or as a nonprofit volunteer fire department, or as a nonprofit volunteer rescue squad, or as a nonprofit volunteer educational booster group, parent-teacher organization or association. If the organization has local branches or chapters, the term "charitable organization" means the local branch or chapter operating the bingo or raffle game.

(4) "Commission" means the Idaho state lottery commission as defined in section 67-7404, Idaho Code.

(5) "Duck race" means a charitable raffle played by releasing numbered, inanimate toys (ducks) into a body of moving water. A person who has been assigned the same number as the first duck to cross a predetermined point in the water (the finish line) is the winner. Other prizes may be awarded on the ba-

sis of the order in which the ducks cross the finish line. With the exception of determining "net proceeds," all restrictions and requirements applicable to the conduct of charitable raffles in this chapter shall also apply to the conduct of duck races.

(6) "Electronic bingo card" or "face" means an electronic facsimile of a bingo card or face, from a permutation of bingo cards formulated by a manufacturer licensed in Idaho, which is stored and/or displayed in a bingo card-monitoring device. An electronic bingo card or face is deemed to be a form of disposable paper bingo card.

(7) (a) "Electronic bingo device" means an electronic device used by a bingo player to monitor bingo cards purchased at the time and place of a licensed organization's bingo session, and which that:

- (i) Provides a means for bingo players to input numbers announced by a bingo caller;
- (ii) Requires the player to manually enter the numbers as they are announced by a bingo caller;
- (iii) Compares the numbers entered by the bingo player to the numbers contained on bingo cards previously stored in the electronic database of the device;
- (iv) Identifies winning bingo patterns; and
- (v) Signals only the bingo player when a winning bingo pattern is achieved.

(b) "Electronic bingo device" does not mean or include any device into which coins, currency, or tokens are inserted to activate play, or any device which that is interfaced with or connected to any host system which can transmit or receive any ball call information, site system or any other type of bingo equipment once the device has been activated for use by the bingo player.

(8) "Gross revenues" means all moneys paid by players during a bingo game or session for the playing of bingo or raffle events and does not include money paid for concessions; provided that the expenses of renting electronic bingo devices from a licensed vendor and the fees collected from players for the use of electronic bingo devices must be reported separately on the organization's annual bingo report and must be netted for purposes of determining gross revenues as follows: only fees collected from players in excess of the rental charges paid to licensed vendors will be considered to be a part of gross revenues; and if the costs of renting electronic bingo devices from a licensed vendor exceed the fees collected from players for use of electronic bingo devices, the difference will be considered an administrative expense for purposes of section 67-7709(1)(d), Idaho Code.

(9) "Host system" means the computer hardware, software and peripheral equipment of a licensed manufacturer which that is used to generate and download electronic bingo cards to a licensed organization's site system, and which that monitors sales and other activities of a site system.

(10) "Nonprofit organization" means an organization incorporated under chapter 30, title 30, Idaho Code.

(11) "Organization" means a charitable organization or a nonprofit organization.

(12) "Person" shall be construed to mean and include an individual, association, corporation, club, trust, estate, society, company, joint stock company, receiver, trustee, assignee, referee or any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of individuals. "Person" shall also be construed to mean and include departments, commissions, agencies and instrumentalities of the state of Idaho, including counties and municipalities and agencies or instrumentalities thereof.

(13) "Raffle" means a game in which the prize is won by random drawing of the name or number of one (1) or more persons purchasing chances.

(14) "Session" means a period of time not to exceed eight (8) hours in any one (1) day in which players are allowed to participate in bingo games operated by a charitable or nonprofit organization.

(15) "Site system" means the computer hardware, software and peripheral equipment used by a licensed organization at the site of its bingo session which that provides electronic bingo cards or bingo card monitoring devices to players, and which that receipts the sale or rental of such cards and devices and generates reports relative to such sales or rentals.

(16) "Vendor" means an applicant, licensee or manufacturer, distributor or supplier, licensed or unlicensed, that furnishes or supplies bingo or raffle equipment, disposable or nondisposable cards, and any and all related gaming equipment.

SECTION 35. That Section 67-7711, Idaho Code, be, and the same is hereby amended to read as follows:

67-7711. LICENSING PROCEDURE. (1) Any charitable or nonprofit organization not exempt pursuant to section 67-7713, Idaho Code, desiring to operate bingo sessions or games or charitable raffles shall make application for a license to the state lottery. The state lottery shall review the license application and shall approve or deny the issuing of a license within fifteen (15) calendar days of receipt of the license application. The state lottery may deny the application if it determines that the applicant has not met requirements for an application imposed in this chapter and rules promulgated pursuant to this chapter or upon any ground for which an application for renewal of a license could be denied or for which an existing licensee's license could be revoked or suspended. Whenever an application is denied, it shall be returned to the applicant by the state lottery with specific reasons for the denial. When a license application is approved by the state lottery, the state lottery shall issue a license to the applicant. No person or charitable or nonprofit organization, except those exempt pursuant to section 67-7713, Idaho Code, shall operate or conduct a bingo session or game or charitable raffle until it has received a license from the state lottery. The license shall expire one (1) year after the date it was issued.

(2) Each application and renewal application shall contain the following information:

(a) The name, address, date of birth, driver's license number and social security number of the applicant and, if the applicant is a corporation, association or other similar legal entity, the name, home address, date of birth, driver's license number and social security number of each of the officers of the organization, as well as the name and address of the directors, or other persons similarly situated, of the organization;

(b) The name, home address, date of birth, driver's license number and social security number of each of the person or persons responsible for managing the bingo session or game or raffle;

(c) (i) In the case of charitable organizations, a copy of the application for recognition of exemptions and a determination letter from the internal revenue service that indicates ~~that~~ the organization is a charitable organization and stating states the section under which that exemption is granted, except that if the organization is a state or local branch, lodge, post or chapter of a national organization, a copy of the determination letter of the national organization shall satisfy this requirement; and

(ii) In the case of incorporated nonprofit organizations, a copy of a certificate of existence issued by the secretary of state pursuant to chapter 30, title 30, Idaho Code, establishing the organization's good standing in the state.

(d) The location at which the applicant will conduct the bingo session or games or drawings for the raffles.

(3) The operation of bingo sessions or games or charitable raffles shall be the direct responsibility of, and controlled by, the governing body of the organization and the members of the governing body shall be held responsible for the conduct of the bingo sessions or games or raffles. No directors or officers of an organization or persons related to them either by marriage or blood within the second degree shall receive any compensation derived from the proceeds of a bingo session or raffle regulated under the provisions of this chapter. An organization shall not contract with any person for the purpose of conducting a bingo session or providing bingo services or conducting a raffle on the organization's behalf, provided that this prohibition does not prevent a bingo organization from hiring employees and paying wages as provided in section 67-7709(1)(d)(ii), Idaho Code. However, if the state lottery commission has entered into an agreement or contract with another state for the operation or promotion of joint bingo sessions, the charitable or nonprofit organization may participate in that contract or agreement.

(4) Different chapters of an organization may apply for and share one (1) license to conduct raffles se as long as the information required in subsection (2) of this section is provided to the lottery prior to the issuance of the license.

(5) The organization may apply for the license to coincide with the organization's fiscal year.

SECTION 36. That Section 67-8903, Idaho Code, be, and the same is hereby amended to read as follows:

67-8903. DEFINITIONS. When used in this chapter, the following terms shall have the following meanings:

(1) "Authority" means the Idaho energy resources authority created pursuant to section 67-8904, Idaho Code.

(2) "Board" means the board of directors of the authority.

(3) "Bonds" means any bonds, notes, certificates or other obligations or evidences of indebtedness issued by the authority.

(4) "Commission" means the Idaho public utilities commission created pursuant to section 61-201, Idaho Code.

(5) "Electric cooperative" means a cooperative corporation or association which that is:

(a) Organized under the provisions of section 501(c)(12) or 1381 of the Internal Revenue Code;

(b) ~~Is a~~An Idaho nonprofit corporation pursuant to chapter 30, title 30, Idaho Code; and

(c) ~~Is a~~An operating entity or successor entity thereof which that owns facilities and provides electric service to customers in Idaho as of the effective date of this chapter.

(6) "Facility" means any facility necessary, used or useful in connection with the generation, transmission or distribution of electric power and energy and any renewable energy generation project, in each case including, but not limited to, all real and personal property, fuel supplies and transportation facilities, pollution control facilities, and all equipment and improvements necessary or desirable in connection with a facility. "Facility" shall include facilities owned in whole or in part by the authority or a participating utility, including undivided ownership interests in facilities, leasehold interests in facilities and other estates, but excludes a generating facility that sells any portion of its output as a qualifying facility to a participating utility under provisions of the public utility regulatory policies act of 1978, 16 U.S.C. section 2601 et seq.

(7) "Independent power producer" means any public or private corporation which that is not itself a participating utility, but which may be an affiliate of a participating utility, that develops any renewable energy generation project undertaken by the authority pursuant to this chapter.

(8) "Participating utility" means, with respect to any facilities undertaken by the authority pursuant to this chapter, any public or private corporation, electric cooperative or other cooperative corporation or association, municipal corporation, political subdivision of this state or another state, state or federal agency, joint operating entity or other entity that:

(a) Owns and operates an electric utility system that provides electric services to consumers of electricity located in an existing service area within the boundaries of this state;

(b) Provides electric generation, power supply, transmission and/or ancillary and related services at wholesale to one (1) or more participating utilities described in paragraph (a) of this subsection; or

(c) Is organized or operates as a regional transmission organization covering all or any part of the state of Idaho and one (1) or more other states.

(9) "Renewable energy" means a source of energy that occurs naturally, is regenerated naturally or uses as a fuel source, a waste product or byproduct from a manufacturing process including, but not limited to, open or closed-loop biomass, fuel cells, geothermal energy, waste heat, cogeneration, solar energy, waterpower and wind.

(10) "Renewable energy generation project" means an electric generating facility or system that uses renewable energy as its primary source of energy to generate electricity.

(11) "Revenues" means all receipts, purchase payments, loan repayments, lease payments, rents, fees and charges, and all other income or receipts derived by the authority from a participating utility.

SECTION 37. That Section 74-107, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

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

(b) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

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

(3) Records relating to the appraisal of real property, timber or mineral rights prior to its acquisition, sale or lease by a public agency or independent public body corporate and politic.

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

(5) Examination, operating or condition reports and all documents relating thereto, prepared by or supplied to any public agency or independent public body corporate and politic responsible for the regulation or supervision of financial institutions including, but not limited to, banks, savings and loan associations, regulated lenders, business and industrial development corporations, credit unions, and insurance companies, or for the regulation or supervision of the issuance of securities.

(6) Records gathered by a local agency or the Idaho department of commerce, as described in chapter 47, title 67, Idaho Code, for the specific purpose of assisting a person to locate, maintain, invest in, or expand business operations in the state of Idaho.

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

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

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

(10) Information obtained from books, records and accounts required in chapter 47, title 22, Idaho Code, to be maintained by the Idaho oilseed commission and pertaining to the individual production records of oilseed growers.

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

erwise available to any public agency or independent public body corporate and politic.

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

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

(14) Voluntarily prepared environmental audits, and voluntary disclosures of information submitted on or before December 31, 1997, to an environmental agency, which are claimed to be confidential business information.

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

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

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

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

(16) Active investigative records and trademark usage audits of the Idaho potato commission specifically relating to the enforcement of chapter 12, title 22, Idaho Code, until the commencement of formal proceedings as provided by rules of the commission; purchase and sales information submitted to the Idaho potato commission during a trademark usage audit, and investigation or enforcement proceedings. Inactive investigatory records shall be disclosed unless the disclosure would violate the standards set forth in subsection (1) (a) through (f) of section 74-124, Idaho Code. Nothing in this subsection shall limit the use which can be made, or availability of such information if used, for regulatory purposes or its admissibility in any enforcement proceeding.

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

(a) Records otherwise deemed to be public records not exempt from disclosure pursuant to this chapter; and

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

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

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

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

(21) Records, data, information and materials collected or utilized during the course of academic research at public institutions of higher

education provided by any person or entity other than the public institution of higher education or a public agency.

(22) The exemptions from disclosure provided in subsections (20) and (21) of this section shall apply only until the academic research is publicly released, copyrighted or patented, or until the academic research is completed or terminated. At such time, the records, data, information, and materials shall be subject to public disclosure unless: (a) another exemption in this chapter applies; (b) such information was provided to the institution subject to a written agreement of confidentiality; or (c) public disclosure would pose a danger to persons or property.

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

(24) Records of a county assessor, the state tax commission, a county board of equalization or the state board of tax appeals containing the following information: (i) lists of personal property required to be filed pursuant to section 63-302, Idaho Code, and operating statements required to be filed pursuant to section 63-404, Idaho Code, and (ii) confidential commercial or financial information including trade secrets. Except with respect to lists of personal property required to be filed pursuant to section 63-302, Idaho Code, and the operator statements required to be filed pursuant to section 63-404, Idaho Code, it shall be the responsibility of the taxpayer to give notice of its claim to exemption by stamping or marking each page or the first page of each portion of documents so claimed. No records that are exempt pursuant to this subsection shall be disclosed without the consent of the taxpayer except as follows:

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

(b) In the publication of statistics or reports as long as the statistics or reports do not reasonably lead to the identification of the specific taxpayer or information submitted by taxpayers exempt pursuant to this subsection.

(c) To the board of tax appeals or the district court as evidence or otherwise in connection with an appeal of the taxpayer's property tax assessment, but only if the board or the court, as applicable, has entered a protective order specifying that the taxpayer information may not be disclosed by any person conducting or participating in the action or proceeding, except as authorized by the board or the court in accordance with applicable law.

(d) Nothing in this subsection shall prevent disclosure of the following information:

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

(25) Results of laboratory tests which have no known adverse impacts to human health conducted by the Idaho state department of agriculture animal health laboratory, related to diagnosis of animal diseases of individual animals or herds, on samples submitted by veterinarians or animal owners unless:

(a) The laboratory test results indicate the presence of a state or federally reportable or regulated disease in animals;

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

(c) The test result is identified as representing a threat to animal or human health or to the livestock industry by the Idaho state department of agriculture or the United States department of agriculture. Nothing in this subsection shall limit the use which can be made, or availability of such information if used, for regulatory purposes or its admissibility in any enforcement proceeding, or the duty of any person to report contagious or infectious diseases as required by state or federal law.

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

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

(28) Individual financial statements of a postsecondary educational institution or a proprietary school submitted to the state board of education, its director or a representative thereof, for the purpose of registering the postsecondary educational institution or proprietary school pursuant to section 33-2402 or 33-2403, Idaho Code, or provided pursuant to an administrative rule of the board adopted pursuant to such sections.

(29) Information submitted to ~~to~~ by insurance companies pursuant to section 421-612(17), Idaho Code.

Approved March 8, 2017

CHAPTER 59
(S.B. No. 1018)

AN ACT
RELATING TO EDUCATION; REPEALING CHAPTER 45, TITLE 33, IDAHO CODE, RELATING
TO SCHOOL ACCOUNTABILITY REPORT CARDS.

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

SECTION 1. That Chapter 45, Title 33, Idaho Code, be, and the same is hereby repealed.

Approved March 16, 2017

CHAPTER 60
(S.B. No. 1019)

AN ACT

RELATING TO SCHOOL SAFETY PATROLS; REPEALING CHAPTER 18, TITLE 33, IDAHO CODE, RELATING TO SCHOOL SAFETY PATROLS; AND AMENDING CHAPTER 6, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-652, IDAHO CODE, TO PROVIDE FOR SCHOOL SAFETY PATROLS, TO PROVIDE THAT FAILURE TO OBEY A SCHOOL SAFETY PATROL MEMBER IS UNLAWFUL AND TO PROVIDE FOR THE REPORTING OF A VIOLATION COMMITTED BY A VEHICLE OPERATOR.

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

SECTION 1. That Chapter 18, Title 33, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Chapter 6, 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 49-652, Idaho Code, and to read as follows:

49-652. SCHOOL SAFETY PATROLS -- FAILURE TO OBEY UNLAWFUL. (1) It shall be unlawful for the operator of any vehicle to fail to stop his or her vehicle when directed to do so by a member of a school safety patrol who is on duty and who is wearing the school-designated insignia of a school safety patrol member. It shall further be unlawful for the operator of any vehicle to disregard any other reasonable directions of a properly identified member of a school safety patrol while he or she is on duty.

(2) For the purposes of this section, a school safety patrol consists of one (1) or more student body members appointed by an administrative officer of a school. A school safety patrol member shall wear a badge or other appropriate insignia marked "School Patrol" while in the performance of his or her duties, and may display "STOP" or other proper traffic directional signs at school crossings or other points where school children are crossing or about to cross a public street or highway.

(3) A member of a school safety patrol may properly report a violation of this section to any peace officer.

Approved March 16, 2017

CHAPTER 61
(S.B. No. 1027)

AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-202, IDAHO CODE, TO REVISE A DEFINITION AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 36-404, IDAHO CODE, TO REVISE A CLASS 6 LICENSE PROVISION; AMENDING SECTION 36-406, IDAHO CODE, TO CLARIFY THAT CERTAIN BEAR TAGS ARE BLACK BEAR TAGS AND TO MAKE CODIFIER'S CORRECTIONS; AMENDING SECTION 36-409, IDAHO CODE, TO REVISE PROVISIONS REGARDING GAME TAGS, TO PROVIDE FOR CERTAIN GRIZZLY BEAR TAGS AND DISABLED AMERICAN VETERAN GAME TAGS, TO CLARIFY THAT CERTAIN BEAR PERMITS ARE BLACK BEAR PERMITS, TO REMOVE CERTAIN PROVISIONS REGARDING DISABLED AMERICAN VETERAN GAME TAGS, TO PROVIDE A CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 36-601, IDAHO CODE, TO REQUIRE TAXIDERMIST AND FUR BUYER'S LICENSES FOR THOSE THAT ENGAGE IN THE BUSINESS OF BUYING CERTAIN SKINS AND PARTS OF SPECIFIED ANIMALS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 36-603, IDAHO CODE, TO REQUIRE THE RETENTION OF RECORDS FOR THOSE WHO

PURCHASE CERTAIN SKINS AND PARTS OF SPECIFIED ANIMALS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 36-1107, IDAHO CODE, TO REVISE REPORTING REQUIREMENTS REGARDING THE TAKING OF CERTAIN WOLVES, TO PROVIDE FOR THE CONTROL OF DEPREDATION OF GRIZZLY BEAR AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 36-1202, IDAHO CODE, TO PROVIDE AN EXCEPTION FOR GRIZZLY BEAR IN THE PROHIBITION OF WASTE AND DESTRUCTION OF WILDLIFE; AND AMENDING SECTION 36-1404, IDAHO CODE, TO PROVIDE FOR REIMBURSEMENT TO THE STATE FOR GRIZZLY BEAR KILLED, POSSESSED OR WASTED AND TO MAKE A TECHNICAL CORRECTION.

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

SECTION 1. That Section 36-202, Idaho Code, be, and the same is hereby amended to read as follows:

36-202. DEFINITIONS. Whenever the following words appear in title 36, Idaho Code, and orders and rules promulgated by the Idaho fish and game commission or the director of the Idaho department of fish and game, they shall be deemed to have the same meaning and terms of reference as hereinafter set forth. The present tense includes the past and future tenses, and the future, the present.

(a) "Title" means all of the fish and game laws and rules promulgated pursuant thereto.

(b) "Commission" means the Idaho fish and game commission. "Commissioner" means a member of the Idaho fish and game commission.

(c) "Department" means the Idaho department of fish and game.

(d) "Director" means the director of the Idaho department of fish and game or any person authorized to act in his name.

(e) "Employee" means any employee of the Idaho department of fish and game whose salary is paid entirely or in part by funds administered by the Idaho fish and game commission and whose appointment is made in accordance with chapter 53, title 67, Idaho Code, and related rules.

(f) "Person" means an individual, partnership, corporation, company, or any other type of association, and any agent or officer of any partnership, corporation, company, or other type of association. The masculine gender includes the feminine and the neuter. The singular, the plural, and the plural, the singular.

(g) "Wildlife" means any form of animal life, native or exotic, generally living in a state of nature provided that domestic cervidae as defined in section 25-3701, Idaho Code, shall not be classified as wildlife.

(h) "Trophy big game animal" means any big game animal deemed a trophy as defined in this subsection ~~(h) 1. through 8.~~ For the purpose of this section, a score shall be determined from the antlers of the mule deer, white-tailed deer or elk as measured by the copyrighted Boone and Crockett scoring system. The highest of the typical or nontypical scores shall be used for determining the total score.

1. Mule deer: any buck scoring over one hundred fifty (150) points;

2. White-tailed deer: any buck scoring over one hundred thirty (130) points;

3. Elk: any bull scoring over three hundred (300) points;

4. Bighorn sheep: any ram;

5. Moose: any bull;

6. Mountain goat: any male or female;

7. Pronghorn antelope: any buck with at least one (1) horn exceeding fourteen (14) inches;

8. Caribou: any male or female;

9. Grizzly bear: any male or female.

(i) "Take" means hunt, pursue, catch, capture, shoot, fish, seine, trap, kill, or possess or any attempt to so do.

(j) "Hunting" means chasing, driving, flushing, attracting, pursuing, worrying, following after or on the trail of, shooting at, stalking, or lying in wait for, any wildlife whether or not such wildlife is then or subsequently captured, killed, taken, or wounded. Such term does not include stalking, attracting, searching for, or lying in wait for, any wildlife by an unarmed person solely for the purpose of watching wildlife or taking pictures thereof.

(k) "Fishing" means any effort made to take, kill, injure, capture, or catch any fish or bullfrog.

(l) "Trapping" means taking, killing, and capturing wildlife by the use of any trap, snare, deadfall, or other device commonly used to capture wildlife, and the shooting or killing of wildlife lawfully trapped, and includes all lesser acts such as placing, setting or staking such traps, snares, deadfalls, and other devices, whether or not such acts result in the taking of wildlife, and every attempt to take and every act of assistance to any other person in taking or attempting to take wildlife with traps, snares, deadfalls, or other devices.

(m) "Possession" means both actual and constructive possession, and any control of the object or objects referred to; provided that wildlife taken accidentally and in a manner not contrary to the provisions of this title shall not be deemed to be in possession while being immediately released live back to the wild.

(n) "Possession limit" means the maximum limit in number or amount of wildlife which may be lawfully in the possession of any person. "Possession limit" shall apply to wildlife being in possession while in the field or being transported to final place of consumption or storage.

(o) "Bag limit" means the maximum number of wildlife which may be legally taken, caught, or killed by any one (1) person for any particular period of time, as provided by order of the commission. The term "bag limit" shall be construed to mean an individual, independent effort and shall not be interpreted in any manner as to allow one (1) individual to take more than his "bag limit" toward filling the "bag limit" of another.

(p) "Buy" means to purchase, barter, exchange, or trade and includes any offer or attempt to purchase, barter, exchange, or trade.

(q) "Sell" means to offer or possess for sale, barter, exchange, or trade, or the act of selling, bartering, exchanging or trading.

(r) "Transport" means to carry or convey or cause to be carried or conveyed from one (1) place to another and includes an offer to transport, or receipt or possession for transportation.

(s) "Resident" means any person who has been domiciled in this state, with a bona fide intent to make this his place of permanent abode, for a period of not less than six (6) months immediately preceding the date of application for any license, tag, or permit required under the provisions of this title or orders of the commission and who, when temporarily absent from this state, continues residency with intent to return, and who does not claim any resident privileges in any other state or country for any purpose. Such privileges include, but are not limited to: state where valid driver's license is issued; state of voter registration; state where resident state income taxes are filed; state where homeowner's tax exemption is granted. Provided that, until any such person has been continuously domiciled outside the state of Idaho for a sufficient period of time to qualify for resident hunting and fishing privileges in his new state of residence, said person shall be deemed not to have lost his residency in Idaho for the purposes of this title. However, mere ownership of real property or payment of property taxes in Idaho does not establish residency. Provided further that:

1. Idaho residents shall not lose their residency in Idaho if they are absent from the state for religious (not to exceed two (2) years) or full-time educational (not to exceed five (5) years) purposes, full-time to be defined by the educational institution attended, and

do not claim residency or use resident privileges in any other state or country for any purpose.

2. Idaho residents who are in the military service of the United States and maintain Idaho as their official state of residence as shown on their current leave and earnings statement, together with their spouse and children under eighteen (18) years of age living in the household, shall be eligible for the purchase of resident licenses.

3. A member of the military service of the United States or of a foreign country, together with his spouse and children under eighteen (18) years of age residing in his household, who have been officially transferred, stationed, domiciled and on active duty in this state for a period of thirty (30) days last preceding application shall be eligible, as long as such assignment continues, to purchase a resident license. A member of the state national guard or air national guard, domiciled in this state for a period of thirty (30) days last preceding application shall be eligible, as long as such residency continues, to purchase a resident license.

4. Any person enrolled as a corpsman at a job corps center in Idaho shall be eligible, as long as he is so enrolled, to obtain a resident fishing license irrespective of his length of residence in this state.

5. Any foreign exchange student enrolled in an Idaho high school shall be eligible, as long as he is so enrolled, to obtain a resident fishing license irrespective of his length of residence in this state.

(t) "Senior resident" means any person who is over sixty-five (65) years of age who meets the definition of a "resident" pursuant to the provisions of this section.

(u) "Nonresident" means any person who does not qualify as a resident.

(v) "Order, rule, regulation and proclamation" are all used interchangeably and each includes the others.

(w) "Blindness" means sight that does not exceed 20/200 as provided by the administrative guidelines of section 56-213, Idaho Code.

(x) "Public highway" means the traveled portion of, and the shoulders on each side of, any road maintained by any governmental entity for public travel, and includes all bridges, culverts, overpasses, fills, and other structures within the limits of the right-of-way of any such road.

(y) "Motorized vehicle" means any water, land or air vehicle propelled by means of steam, petroleum products, electricity, or any other mechanical power.

(z) "Commercial fish hatchery" means any hatchery, pond, lake or stream or any other waters where fish are held, raised, or produced for sale but shall not include facilities used for the propagation of fish commonly considered as ornamental or aquarium varieties.

(aa) "License" means any license, tag, permit or stamp.

(bb) "License vendor" means any person authorized to issue or sell licenses.

(cc) "Proclamation" means the action by the commission and publication of the pertinent information as it relates to the seasons and limits for taking wildlife.

SECTION 2. That Section 36-404, Idaho Code, be, and the same is hereby amended to read as follows:

36-404. CLASSES OF LICENSES. The licenses required by the provisions of this title shall be of eight (8) classes. Classes one (1) through five (5) and eight (8) in this section may be purchased or obtained only by persons who meet residency requirements under the provisions of section 36-202(s) and (t), Idaho Code, or who are valid holders of a lifetime license certificate.

Class 1: Adult Combination -- Hunting -- Fishing -- Trapping Licenses. Licenses to be issued only to persons who are residents of the state of Idaho.

Class 2: Junior Hunting -- Trapping.

(a) Junior hunting license. Licenses to be issued only to persons who are residents of the state of Idaho and are between ten (10) and seventeen (17) years of age, inclusive. Provided, that a license may be issued to qualified persons who are nine (9) years of age to allow the application for a controlled hunt big game tag or turkey permit; however, said persons shall not hunt until they are ten (10) years of age. Persons with a junior hunting license who are ten (10) or eleven (11) years of age shall be accompanied in the field by an adult licensed to hunt in the state of Idaho.

(b) Junior trapping licenses. Licenses to be issued only to persons who are residents of the state of Idaho and are seventeen (17) years of age or younger.

Class 3: Junior Combination -- Fishing Licenses. Licenses to be issued only to persons who are residents of the state of Idaho between fourteen (14) and seventeen (17) years of age, inclusive.

Class 4: Senior Resident Combination License. Licenses to be issued only to persons over sixty-five (65) years of age who meet the definition of "resident" pursuant to the provisions of section 36-202, Idaho Code.

Class 5: Resident Lifetime Combination -- Hunting -- Fishing License. Licenses to be issued only to persons who are valid holders of a lifetime license certificate.

Class 6: Nonresident Combination -- Hunting -- Fishing -- Trapping -- Junior Mentored Hunting -- Disabled Hunting License for American Veteran ~~Participating in a Hunt in Association with a Qualified Organization~~ -- Licenses. Licenses required of persons who are nonresidents.

Class 7: Duplicate License -- Tag. A license or tag to be issued as a replacement for an original license or tag lost or mutilated. Said license or tag shall be issued in the same class and type as the original and upon issuance of such duplicate license or tag the original license or tag shall become null and void.

Class 8: Resident Hunting and Fishing License with Tags, Permits and Stamps. Licenses to be issued only to persons who meet residency requirements under the provisions of section 36-202(s) and (t), Idaho Code.

SECTION 3. That Section 36-406, Idaho Code, be, and the same is hereby amended to read as follows:

36-406. RESIDENT FISHING, HUNTING AND TRAPPING LICENSES -- FEES. (a) Adult Licenses -- Combination -- Fishing -- Hunting -- Trapping. A license of the first class may be had by a person possessing the qualifications therein described on payment of a fee as specified in section 36-416, Idaho Code, for a combined fishing and hunting license entitling the purchaser to hunt and fish for game animals, game birds, unprotected and predatory wildlife and fish of the state, a fee as specified in section 36-416, Idaho Code, for a fishing license entitling the purchaser to fish in the public waters of the state, a fee as specified in section 36-416, Idaho Code, for a hunting license entitling the purchaser to hunt game animals, game birds, unprotected and predatory wildlife of the state, and a fee as specified in section 36-416, Idaho Code, for a trapping license entitling the purchaser to trap wolves, furbearing animals and unprotected and predatory wildlife of the state.

(b) Junior Licenses -- Hunting -- Trapping. A license of the second class may be had by a person possessing the qualifications therein described on payment of a fee as specified in section 36-416, Idaho Code, for a hunting license, and a fee as specified in section 36-416, Idaho Code, for a trapping license entitling the purchaser to the same privileges as the corresponding license of the first class provides.

(c) Junior Combination -- Fishing Licenses. A license of the third class may be purchased by a person possessing the qualifications therein

described on payment of a fee as specified in section 36-416, Idaho Code, for a combined fishing and hunting license, and a fee as specified in section 36-416, Idaho Code, for a fishing license entitling the purchaser to the same privileges as the corresponding license of the first class provides.

(d) Senior Resident Combination. A license of the fourth class may be had by a person possessing the qualifications therein described on payment of a fee as specified in section 36-416, Idaho Code, for a combined fishing and hunting license entitling the purchaser to the same privileges as the corresponding license of the first class provides.

(e) Lifetime Licenses -- Combination -- Hunting -- Fishing. A license of the fifth class may be obtained at no additional charge by a person possessing the qualifications therein described for a combined hunting and fishing license, for a hunting license, or for a fishing license, entitling the person to the same privileges as the corresponding license of the first class provides. Lifetime licensees must be certified under the provisions of section 36-413, Idaho Code, before being issued a license to hunt.

(f) A license of the eighth class may be had by a person possessing the qualifications therein described on payment of a fee as specified in section 36-416, Idaho Code, entitling the purchaser to hunt and fish for game animals, game birds, fish, and unprotected and predatory wildlife of the state. With payment of the required fee, a person shall receive with this license a deer tag, an elk tag, a black bear tag, a turkey tag, a mountain lion tag, a wolf tag, an archery hunt permit, a muzzleloader permit, a steelhead trout permit and an anadromous salmon permit. The director shall promptly transmit to the state treasurer all moneys received pursuant to this subsection for deposit as follows:

- (i) Four dollars (\$4.00) in the fish and game set-aside account for the purposes of section 36-111(1)(a), Idaho Code;
- (ii) Two dollars (\$2.00) in the fish and game set-aside account for the purposes of section 36-111(1)(b), Idaho Code;
- (iii) One dollar and fifty cents (\$1.50) in the fish and game set-aside account for the purposes of section 36-111(1)(c), Idaho Code; and
- (iv) The balance in the fish and game account.

All persons purchasing a license pursuant to this subsection shall observe and shall be subject to all rules of the commission regarding the fish and wildlife of the state.

If the purchaser of this license does not meet the archery education requirements of section 36-411(b), Idaho Code, then, notwithstanding the provisions of section 36-304, Idaho Code, the archery hunt permit portion of this license is invalid. The fee for this license will not change and the license must be issued without the archery permit validation.

(g) Disabled Persons Licenses -- Combination -- Fishing. A license of the first class may be had by any resident disabled person on payment of a fee as specified in section 36-416, Idaho Code, for a combined fishing and hunting license, and a fee as specified in section 36-416, Idaho Code, for a fishing license, entitling the purchaser to the same privileges as the corresponding license of the first class provides. A disabled person means a person who is deemed disabled by one (1) or more, but not necessarily all, of the following: the railroad retirement board pursuant to title 45 of the United States Code, or certified as eligible for federal supplemental security income (SSI); or social security disability income (SSDI); or a nonservice-connected veterans pension; or a service-connected veterans disability benefit with forty percent (40%) or more disability; or certified as permanently disabled by a physician. Once determination of permanent disability has been made with the department, the determination shall remain on file within the electronic filing system and the license holder shall not be required to present a physician's determination each year or prove their disability each year.

(h) Military Furlough Licenses -- Combination -- Fishing. A license of the first class may be had by a resident person engaged in the military service of the United States, while on temporary furlough or leave, possessing the qualifications therein described on payment of a fee as specified in section 36-416, Idaho Code, for a combined fishing and hunting license, and as specified in section 36-416, Idaho Code, for a fishing license.

(ji) Adult Licenses -- Three Year -- Combination -- Fishing -- Hunting. A license of the first class may be had by a person possessing the qualifications therein described on payment of three (3) times the fee as specified in section 36-416, Idaho Code, for a combined fishing and hunting license entitling the purchaser to hunt and fish for game animals, game birds, fish, unprotected and predatory wildlife of the state, three (3) times the fee as specified in section 36-416, Idaho Code, for a fishing license entitling the purchaser to fish in the public waters of the state, or three (3) times the fee as specified in section 36-416, Idaho Code, for a hunting license entitling the purchaser to hunt game animals, game birds, unprotected and predatory wildlife of the state. The expiration date for said licenses shall be December 31 of the third year following the date of issuance.

(kj) Junior Licenses -- Three Year -- Hunting. A license of the second class may be had by a person possessing the qualifications therein described on payment of three (3) times the fee as specified in section 36-416, Idaho Code, for a hunting license. The expiration date for said license shall be December 31 of the third year following the date of issuance.

(lk) Junior Licenses -- Three Year -- Combination -- Fishing Licenses. A license of the third class may be purchased by a person possessing the qualifications therein described on payment of three (3) times the fee as specified in section 36-416, Idaho Code, for a combined fishing and hunting license and three (3) times the fee as specified in section 36-416, Idaho Code, for a fishing license entitling the purchaser to the same privileges as the corresponding license of the first class provides. The expiration date for said licenses shall be December 31 of the third year following the date of issuance.

(ml) Senior Resident Combination License -- Three Year. A license of the fourth class may be had by a person possessing the qualifications therein described on payment of three (3) times the fee as specified in section 36-416, Idaho Code, for a combined fishing and hunting license entitling the purchaser to the same privileges as the corresponding license of the first class provides. The expiration date for said license shall be December 31 of the third year following the date of issuance.

(nm) Disabled Persons Licenses -- Three Year -- Combination -- Fishing. A license of the ninth class may be had by any resident disabled person possessing the qualifications therein described on payment of three (3) times the fee as specified in section 36-416, Idaho Code, for a combined fishing and hunting license, and a fee as specified in section 36-416, Idaho Code, for a fishing license entitling the purchaser to the same privileges as the corresponding license of the first class provides. The expiration date for said licenses shall be December 31 of the third year following the date of issuance.

SECTION 4. That Section 36-409, Idaho Code, be, and the same is hereby amended to read as follows:

36-409. GAME TAGS -- PERMITS -- FEES -- PENALTY. (a) Resident Game Tags. A resident who has obtained authorization to hunt, as provided in section 36-401, Idaho Code, or has purchased or obtained a license to hunt, as provided in section 36-406, Idaho Code, upon payment of the fees provided herein shall be eligible to receive a resident game tag to hunt and kill a moose, bighorn sheep, mountain goat, elk, deer, antelope, mountain lion, black bear, grizzly bear, wolf, sandhill crane or turkey in accordance with

the laws of this state and rules promulgated by the commission; provided further, that any person who holds a senior resident combination license or any person who holds a junior combination or hunting license or any disabled American veteran who holds a disabled combination license, may be issued a black bear, deer, elk, or turkey tag for a fee as specified in section 36-416, Idaho Code; provided further, that resident game tags may be issued only to those persons who meet residency requirements of ~~subsection (s) of~~ section 36-202 (s), Idaho Code. In the event an emergency is declared to open a season to protect private property as provided in section 36-106(e)6.(B), Idaho Code, the affected landowner or his designee shall be eligible to receive a resident deer, elk or antelope tag without charge; provided further, that resident game tags may be issued only to persons who qualify as residents pursuant to section 36-202, Idaho Code.

(b) Nonresident Game Tags. A nonresident who has purchased a license to hunt, as provided in section 36-407(a) or (k), Idaho Code, or has obtained a license to hunt, as provided in section 36-406(e), Idaho Code, or a resident who has purchased or obtained a license or authorization to hunt, as provided in section 36-401 or 36-406, Idaho Code, upon payment of the fees provided herein, shall be eligible to receive a nonresident tag to hunt and kill a moose, bighorn sheep, mountain goat, elk, deer, antelope, mountain lion, black bear, grizzly bear, wolf, sandhill crane or turkey in accordance with the laws of this state and rules promulgated by the commission; provided further, that a nonresident who has purchased a license to hunt, as provided in section 36-407(k) and (l), Idaho Code, shall be eligible to receive a junior mentored or disabled American veteran deer, elk, black bear, or turkey tag for a fee as specified in section 36-416, Idaho Code.

(c) Game Tags Required. The appropriate tag must be had for the hunting or taking of each and every one of the aforementioned wildlife. The commission shall promulgate rules to allow exception from tag possession to take wildlife for a disabled hunter companion who is assisting a hunter possessing the appropriate tag and a valid disabled combination license or a disabled archery permit or a disabled hunt motor vehicle permit or who is a disabled veteran participating in a hunt as provided in section 36-408(7), Idaho Code. ~~Provided, however, that the requirements for a wolf tag, a mountain lion tag or a bear tag, as to different periods of time and areas of the state, shall be determined and specified by the commission.~~ Provided further, that the commission may promulgate rules to allow a nonresident deer or elk tag to be used to hunt and kill either a black bear, a wolf or a mountain lion during the open season for deer or elk in that area, unit or zone as may be specified by the commission. All of said tags are to bear and have serial numbers.

(d) Game Tag to Be Validated and Attached to Carcass. As soon as any person kills any wildlife for which a tag is required, said tag, belonging to him, must be validated and attached to said wildlife in a manner provided by commission rule.

(e) Archery Permits. In addition to meeting the license and tag requirements provided in this chapter, any person participating in any controlled or general game season ~~which that~~ has been specifically designated as an archery hunt must have in his possession an archery hunt permit, which may be purchased for a fee as specified in section 36-416, Idaho Code.

(f) Muzzleloader Permit. In addition to meeting the license and tag requirements provided in this chapter, any person participating in any controlled or general game season ~~which that~~ has been specifically designated as a muzzleloader hunt must have in his possession a muzzleloader permit, which may be purchased for a fee as specified in section 36-416, Idaho Code.

(g) Hound Hunter Permit -- Resident -- Nonresident. Any person using a dog for the purpose of hunting or for taking, as defined in section 36-202, Idaho Code, big game or furbearing animals must have in his possession a

valid hound hunter permit, which may be purchased by resident and nonresident license holders for a fee as specified in section 36-416, Idaho Code.

(h) Nonresident Bird of Prey Capture Permit. The commission may, under rules as it may prescribe, issue a nonresident bird of prey capture permit. This capture permit may be purchased by any licensed, nonresident falconer for capturing birds of prey in Idaho. The fee for the permit shall be as specified in section 36-416, Idaho Code, and the permit shall be issued under the condition that the nonresident's home state allows reciprocal raptor capturing privileges for Idaho falconers.

(i) Wildlife Management Area (WMA) Upland Game Bird Permit. The commission may, under rules as it may prescribe, issue a wildlife management area upland game bird permit that must be purchased by all persons over seventeen (17) years of age prior to hunting stocked upland game birds on state wildlife management areas designated by the commission. The fee for the permit shall be as specified in section 36-416, Idaho Code.

(j) Black Bear Baiting Permit. The commission may, under rules as it may prescribe, issue a black bear baiting permit. Any person placing or using bait as may be allowed by rule for the purpose of attracting black bear must have in his possession a valid black bear baiting permit, which may be purchased by a license holder for a fee as specified in section 36-416, Idaho Code.

(k) Migratory Bird Harvest Information Program Permit. The commission may, as provided by federal laws or regulations and under rules as it may prescribe, issue a migratory bird harvest information program permit that must be purchased by all persons prior to hunting migratory game birds as required by federal law or regulations. The fee for the permit shall be as specified in section 36-416, Idaho Code.

(l) Dog Field Trial Permit. The commission may, under rules as it may prescribe, issue a dog field trial permit to any person using birds for dog field trials or training as may be allowed by rule. The permit may be purchased for a fee as specified in section 36-416, Idaho Code.

(m) Idaho Nursing Home Facility Resident Fishing Permit. The commission may, under rules as it may prescribe, issue an Idaho nursing home facility resident fishing permit that must be purchased by an Idaho nursing home facility to allow residents of its facility to fish during the open season. Facilities eligible to purchase this permit are: intermediate care facilities providing twenty-four (24) hour skilled nursing care, assisted living facilities providing twenty-four (24) hour extensive assistance, and skilled nursing facilities providing twenty-four (24) hour skilled nursing. By purchasing this permit, the facility assumes full responsibility for and control over the facility residents while using the permit. All laws, rules and proclamations apply to the use of this permit and it is the responsibility of the facility to assure compliance with all laws, rules and proclamations. In case of a violation, the facility shall be held accountable and any citations shall be issued to the facility. The permit may be purchased for a fee as specified in section 36-416, Idaho Code.

~~(n) Disabled American Veteran Game Tags. Any nonresident disabled American veteran participating in a hunt in association with a qualified organization may be issued a bear, deer, elk or turkey tag for a fee as specified in section 36-416, Idaho Code. "Qualified organization," as used in association with these tags, shall be as defined in section 36-408(7), Idaho Code.~~

SECTION 5. That Section 36-601, Idaho Code, be, and the same is hereby amended to read as follows:

36-601. TAXIDERMIST AND FUR BUYER'S LICENSE REQUIRED. (1) Any person who at any time within the state of Idaho desires to mount, preserve or prepare for preservation any of the dead bodies of any wildlife or any part

thereof not personally taken by him in compliance with the provisions of this title, or who engages in the business of buying raw black bear or grizzly bear skins, raw cougar skins, raw wolf skins, or parts of black bears, grizzly bears, wolves or cougars, or the raw hides, skins, or pelts of any of the ~~fur bearers~~ furbearers of this state must obtain a taxidermist and fur buyer's license.

(2) Taxidermist and fur buyer's licenses shall be obtained from the director for a fee and subject to the limitations of this chapter.

SECTION 6. That Section 36-603, Idaho Code, be, and the same is hereby amended to read as follows:

36-603. RECORDS. (1) The department may require any person licensed under the provisions of this chapter to keep a record for two (2) years last past of wildlife received for mounting or preserving, ~~fur bearers~~ furbearers purchased or raw black bear or grizzly bear skins, raw cougar skins, raw wolf skins, or parts of black bears, grizzly bears or cougars purchased. Records may be written or may be retained on media other than paper, provided that the form or medium complies with the standards set forth in section 9-328, Idaho Code. The record shall be made upon a form provided by the department which sets forth such information as may be required by the director and shall be subject to his inspection at any time. In addition, the department may require licensees to submit forms or records, as determined by the department, to the department relating to the purchase of black bears, grizzly bears and cougars, skins, or parts thereof.

(2) Provided however, a commercial tannery receiving wildlife from a licensed taxidermist or fur buyer, shall satisfy all recordkeeping requirements by recording the license numbers of such taxidermist or fur buyer, and recording tag numbers of any attached tags required by law. This provision shall not apply in the event a commercial tannery receives wildlife from a taxidermist or fur buyer from a state other than the state of Idaho, and the taxidermist or fur buyer is not required to be licensed in that state, in which case the tannery shall record the date received, the name, address and telephone number of the individual the wildlife was received from, and tag numbers of any attached tags required by law in the state of origin, the name and number of species received and the approximate date killed. Information so recorded shall be retained for a period of two (2) years.

SECTION 7. That Section 36-1107, Idaho Code, be, and the same is hereby amended to read as follows:

36-1107. WILD ANIMALS AND BIRDS DAMAGING PROPERTY. Other provisions of this title notwithstanding, any person may control, trap, and/or remove any wild animals or birds or may destroy the houses, dams, or other structures of furbearing animals for the purpose of protecting property from the depredations thereof as hereinafter provided.

The director may delegate any of the authority conferred by this section to any other employee of the department.

(a) Director to Authorize Removal of Wildlife Causing Damage. Except for antelope, elk, deer or moose when any other wildlife, protected by this title, is doing damage to or is destroying any property, including water rights, or is likely to do so, the owner or lessee thereof may make complaint and report the facts to the director or his designee who shall investigate the conditions complained of. In the case of water rights, the director shall request an investigation by the director of the department of water resources of the conditions complained of. The director of the department of water resources shall request a recommendation from the local water master, if any, and, upon such examination, shall certify to the director of the department of fish and game whether said wildlife, or houses, dams or other

structures erected by said wildlife, is injuring or otherwise adversely impacting water rights. If it appears that the complaint is well-founded and the property of such complainant is being or is likely to be damaged or destroyed by any such wildlife protected under this title, the director may:

1. Send a representative onto the premises to control, trap, and/or remove such protected wildlife as will stop the damage to said property. Any animals or birds so taken shall remain the property of the state and shall be turned over to the director.
2. Grant properly safeguarded permission to the complainant to control, trap and/or remove such protected wildlife or to destroy any houses, dams, or other structures erected by said animals or birds. Any protected wildlife so taken shall remain the property of the state and shall be turned over to the director.
3. Whenever deemed to be in the public interest, authorize or cause the removal, modification or destruction of any dam, house, structure or obstruction erected by any furbearing animals. The director shall have authority to enter upon all lands, both public and private, as necessary, to control, trap or remove such animals, or to so remove, modify or destroy such dam, house, structure or obstruction that is injuring or otherwise adversely impacting water rights, or to require the landowner to do so. The director shall make a reasonable effort to contact any private landowner to schedule a date and approximate time for the removal, modification or destruction. No liability whatever shall accrue to the department or the director by reason of any direct or indirect damage arising from such entry upon land, destruction, removal or modification.
4. Issue a permit to any bona fide owner or lessee of property ~~which~~ that is being actually and materially damaged by furbearing animals, to trap or kill or to have trapped or killed such animals on his own or leased premises. Such permit may be issued without cost to a landholder applicant and shall designate therein the number of furbearing animals that may be trapped or killed, the name of the person who the landowner has designated to take such furbearers and the valid trapping license number of the taker. Furbearers so taken shall be the property of the taker. Beaver so taken shall be handled in the manner provided in section 36-1104, Idaho Code. The term "premises" shall be construed to include any irrigation ditch or right-of-way appurtenant to the land for which said permit is issued.

(b) Control of Depredation of Black Bear, Mountain Lion, and Predators. Black bear, mountain lion, and predators may be disposed of by livestock owners, their employees, agents and animal damage control personnel when same are molesting or attacking livestock and it shall not be necessary to obtain any permit from the department. Mountain lion so taken shall be reported to the director within ten (10) days of being taken. Livestock owners may take steps they deem necessary to protect their livestock.

(c) Control of Depredation of Wolves. Wolves may be disposed of by livestock or domestic animal owners, their employees, agents and animal damage control personnel when the same are molesting or attacking livestock or domestic animals and it shall not be necessary to obtain any permit from the department. Wolves so taken shall be reported to the director within ~~seventy-two (72) hours, with additional reasonable time allowed if access to the site where taken is limited~~ ten (10) days of being taken. Wolves so taken shall remain the property of the state. Livestock and domestic animal owners may take all nonlethal steps they deem necessary to protect their property. A permit must be obtained from the director to control wolves not molesting or attacking livestock or domestic animals. Control is also permitted by owners, their employees and agents pursuant to the Idaho department of fish and game harvest rules. For the purposes of this subsection (e), "molesting" shall mean the actions of a wolf that are annoying, disturbing or perse-

cutting, especially with hostile intent or injurious effect, or chasing, driving, flushing, worrying, following after or on the trail of, or stalking or lying in wait for, livestock or domestic animals.

(d) Control of Depredation of Grizzly Bears. For purposes of this section, "grizzly bear" means any grizzly bear not protected by the federal endangered species act. Grizzly bears may be disposed of by livestock or domestic animal owners, their employees, agents and animal damage control personnel when the same are molesting or attacking livestock or domestic animals and it shall not be necessary to obtain any permit from the department. Grizzly bears so taken shall be reported to the director within seventy-two (72) hours, with additional reasonable time allowed if access to the site where taken is limited. Grizzly bears so taken shall remain the property of the state. Livestock and domestic animal owners may take all nonlethal steps they deem necessary to protect their property.

(e) Taking of Muskrats in Irrigation Systems Authorized. Muskrats may be taken at any time in or along the banks of irrigation ditches, canals, reservoirs or dams, by the owners, their employees, or those in charge of said irrigation ditches or canals.

SECTION 8. That Section 36-1202, Idaho Code, be, and the same is hereby amended to read as follows:

36-1202. WASTEFUL DESTRUCTION OF WILDLIFE OR MUTILATION UNLAWFUL. It shall be unlawful to:

(a) Waste. Through carelessness, neglect or otherwise, to allow or cause the waste of edible portions of any game animal, except for mountain lion, black bear, grizzly bear or gray wolf. "Edible portions" are defined as follows:

1. Game birds. Breasts;
2. Big game animals. Hind quarters, front quarters, loins and tenderloins;
3. Game fish. Fillets of fish, hind legs of bullfrogs and tails of crayfish;
4. Upland game animals. Hind legs, front legs and loins of rabbits and hares.

(b) Destruction -- Mutilation. Capture or kill any game animal and detach or remove from the carcass only the head, hide, antlers, horns or tusks and leave the edible portions to waste, except mountain lion, black bear, grizzly bear or gray wolf.

(c) Prima Facie. It shall be prima facie evidence of a violation of the provisions of this section:

1. To fail to properly dress and care for any game animal killed by him, except mountain lion, black bear, grizzly bear or gray wolf; and
2. If the edible portions described in subsection (a) of this section are reasonably accessible, to fail to take or transport same to his camp within twenty-four (24) hours.

(d) Livestock owners, their employees, agents and animal damage control personnel in protecting livestock as provided in subsection (b) of section 36-1107, Idaho Code, are exempt from subsections (b) and (c) of this section.

(e) For purposes of this section, the term "game animal" shall mean game birds, big game animals, upland game animals and game fish.

SECTION 9. That Section 36-1404, Idaho Code, be, and the same is hereby amended to read as follows:

36-1404. UNLAWFUL KILLING, POSSESSION OR WASTE OF WILD ANIMALS, BIRDS AND FISH -- REIMBURSABLE DAMAGES -- SCHEDULE -- ASSESSMENT BY MAGISTRATES -- INSTALLMENT PAYMENTS -- DEFAULT JUDGMENTS -- DISPOSITION OF MONEYS. (a) In

addition to the penalties provided for violating any of the provisions of title 36, Idaho Code, any person who pleads guilty, is found guilty of or is convicted of the illegal killing or the illegal possession or illegal waste of game animals or birds or fish shall reimburse the state for each animal so killed or possessed or wasted as follows:

1. Elk, seven hundred fifty dollars (\$750) per animal killed, possessed or wasted.
2. Caribou, bighorn sheep, mountain goat, grizzly bear and moose, one thousand five hundred dollars (\$1,500) per animal killed, possessed or wasted.
3. Any other species of big game, four hundred dollars (\$400) per animal killed, possessed or wasted.
4. Wild turkey and swan, two hundred fifty dollars (\$250) per bird killed, possessed or wasted.
5. Sturgeon, two hundred fifty dollars (\$250) per fish killed, possessed or wasted.
6. Bull trout, anadromous salmon and steelhead, one hundred fifty dollars (\$150) per fish killed, possessed or wasted.
7. Any other game bird, game fish or furbearer, fifty dollars (\$50.00) per animal killed, possessed or wasted.

Provided further, that any person who pleads guilty, is found guilty of, or is convicted of illegal killing, illegal possession or illegal waste of a trophy big game animal as defined in section 36-202(h), Idaho Code, shall reimburse the state for each animal so killed, possessed or wasted, as follows:

1. Trophy mule deer: two thousand dollars (\$2,000) per animal killed, possessed or wasted;
2. Trophy white-tailed deer: two thousand dollars (\$2,000) per animal killed, possessed or wasted;
3. Trophy elk: five thousand dollars (\$5,000) per animal killed, possessed or wasted;
4. Trophy bighorn sheep: ten thousand dollars (\$10,000) per animal killed, possessed or wasted;
5. Trophy moose: ten thousand dollars (\$10,000) per animal killed, possessed or wasted;
6. Trophy mountain goat: ten thousand dollars (\$10,000) per animal killed, possessed or wasted;
7. Trophy pronghorn antelope: two thousand dollars (\$2,000) per animal killed, possessed or wasted;
8. Trophy caribou: ten thousand dollars (\$10,000) per animal killed, possessed or wasted;
9. Trophy grizzly bear: ten thousand dollars (\$10,000) per animal killed, possessed or wasted.

For each additional animal of the same category killed, possessed or wasted during any twelve (12) month period, the amount to be reimbursed shall double from the amount for each animal previously illegally killed, possessed or wasted. For example, the reimbursable damages for three (3) elk illegally killed during a twelve (12) month period would be five thousand two hundred fifty dollars (\$5,250), calculated as follows: seven hundred fifty dollars (\$750) for the first elk; one thousand five hundred dollars (\$1,500) for the second elk; and three thousand dollars (\$3,000) for the third elk. In the case of three (3) trophy elk illegally killed in a twelve (12) month period, the reimbursable damages would be thirty-five thousand dollars (\$35,000) calculated as follows: five thousand dollars (\$5,000) for the first elk, ten thousand dollars (\$10,000) for the second elk, and twenty thousand dollars (\$20,000) for the third elk. Provided however, that wildlife possessing a fifty dollar (\$50.00) reimbursement value shall be figured at the same rate per each animal in violation, without compounding.

(b) In every case of a plea of guilty, a finding of guilt or a conviction of unlawfully releasing any fish species into any public body of water

in the state, the court before whom the plea of guilty, finding of guilt, or conviction is obtained shall enter judgment ordering the defendant to reimburse the state for the cost of the expenses, not to exceed ten thousand dollars (\$10,000), incurred by the state to correct the damage caused by the unlawful release. For purposes of this subsection, "unlawfully releasing any fish species" shall mean a release of any species of live fish, or live eggs thereof, in the state without the permission of the director of the department of fish and game; provided, that no permission is required when fish are being freed from a hook and released at the same time and place where caught or when crayfish are being released from a trap at the same time and place where caught.

(c) In every case of a plea of guilty, a finding of guilt or a conviction, the court before whom such plea of guilty, finding of guilt or conviction is obtained shall enter judgment ordering the defendant to reimburse the state in a sum or sums as hereinbefore set forth including postjudgment interest. If two (2) or more defendants are convicted of the illegal taking, killing or the illegal possession or wasting of the game animal, bird or fish, such judgment shall be declared against them jointly and severally.

(d) The judgment shall fix the manner and time of payment and may permit the defendant to pay the judgment in installments at such times and in such amounts as, in the opinion of the court, the defendant is able to pay. In no event shall any defendant be allowed more than two (2) years from the date judgment is entered to pay the judgment.

(e) A defaulted judgment or any installment payment thereof may be collected by any means authorized for the enforcement of a judgment under the provisions of the Idaho Code.

(f) All courts ordering such judgments of reimbursement shall order such payments to be made to the department, which shall deposit them with the state treasurer, and the treasurer shall place them in the state fish and game account.

(g) The court shall retain jurisdiction over the case. If at any time the defendant is in arrears ninety (90) days or more, the court may revoke the defendant's hunting, fishing or trapping privileges until the defendant completes payment of the judgment.

Approved March 16, 2017

CHAPTER 62
(S.B. No. 1030)

AN ACT

RELATING TO DUAL ENROLLMENT; AMENDING SECTION 33-203, IDAHO CODE, TO PROVIDE FOR THE DUAL ENROLLMENT OF A STUDENT IN A PUBLIC CHARTER SCHOOL, TO PROVIDE FOR RELATED PROCEDURES, LIMITATIONS AND CLARIFICATIONS AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 33-203, Idaho Code, be, and the same is hereby amended to read as follows:

33-203. DUAL ENROLLMENT. (1) The parent or guardian of a child of school age who is enrolled in a nonpublic school or a public charter school shall be allowed to enroll the student in a any public school, including another public charter school, for dual enrollment purposes. The board of trustees of the school district or board of directors of the public charter school shall adopt procedures governing enrollment pursuant to this section. If enrollment in a specific program reaches the maximum for the

program, priority for enrollment shall be given to a student who is enrolled full time in the public ~~noncharter~~ school. In the case of dual enrollment in a public charter school, the student who is dually enrolled shall not count toward the public charter school's maximum enrollment restrictions. The dually enrolled student's primary education provider shall be the provider in which the student is registered for the majority of the coursework. At no time may the dual enrollment provisions be used to circumvent a public charter school's lottery requirements.

(2) Any student participating in dual enrollment may enter into any program in the public school available to other students, subject to compliance with the eligibility requirements herein and the same responsibilities and standards of behavior and performance that apply to any student's participation in the activity, except that the academic eligibility requirements for participation in nonacademic activities are as provided for herein.

(3) Any All schools district shall be allowed to include dual-enrolled dually enrolled nonpublic school and public charter school students for the purposes of state funding only to the extent of the student's participation in the public school programs.

(4) Oversight of academic standards relating to participation in nonacademic public school activities shall be the responsibility of the primary educational provider for that student. In order for any nonpublic school student or public ~~charter~~ school student to participate in nonacademic public school activities for which public school students must demonstrate academic proficiency or eligibility, the nonpublic school or public ~~charter~~ school student shall demonstrate composite grade-level academic proficiency on any state board of education recognized achievement test, portfolio, or other mechanism as provided for in state board of education rules. Additionally, a student shall be eligible if he achieves a minimum composite, core or survey test score within the average or higher-than-average range as established by the test service utilized on any ~~nationally-normed~~ nationally normed test. Demonstrated proficiency shall be used to determine eligibility for the current and next following school years. School districts and public charter schools shall provide to nonpublic students who wish to participate in dual enrollment activities the opportunity to take state tests or other standardized tests given to all regularly enrolled public school students.

(5) A public school student who has been unable to maintain academic eligibility is ineligible to participate in nonacademic public school activities as a nonpublic school or public charter school student for the duration of the school year in which the student becomes academically ineligible and for the following academic year.

(6) A nonpublic school or public ~~charter~~ school student participating in nonacademic public school activities must reside within the attendance boundaries of the school for which the student participates.

(7) Dual enrollment shall include the option of joint enrollment in a regular public school and an alternative public school program. The state board of education shall establish rules that provide funding to school districts for each student who participates in both a regular public school program and an alternative public school program.

(8) Dual enrollment shall include the option of enrollment in a ~~post-secondary~~ postsecondary institution. Any credits earned from an accredited ~~post-secondary~~ postsecondary institution shall be credited toward state board of education high school graduation requirements.

(9) A nonpublic student is any student who receives educational instruction outside a public school classroom and such instruction can include, but is not limited to, a private school or a home school.

CHAPTER 63
(S.B. No. 1063)

AN ACT

RELATING TO IRRIGATION; AMENDING SECTION 43-725, IDAHO CODE, TO PROVIDE THAT CERTAIN STATE LANDS SHALL BE SUBJECT TO SPECIFIED LAW FOR THE LEVY AND COLLECTION OF ASSESSMENTS.

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

SECTION 1. That Section 43-725, Idaho Code, be, and the same is hereby amended to read as follows:

~~43-725. STATE LANDS EXEMPT FROM SUBJECT TO ASSESSMENT. No state lands included within any legally organized irrigation district shall ever be assessed, nor shall any of the preceding sections relative to the levying and collecting of assessments and taxes apply. The county recorder of every county in which certificates of sale of any state lands for irrigation district taxes have heretofore been filed or recorded shall cancel the same upon the records of said counties~~ Lands belonging to the state to which an irrigation district has apportioned benefits pursuant to the provisions of this title shall be subject to the applicable provisions of this title for the levy and collection of assessments for such benefits.

Approved March 16, 2017

CHAPTER 64
(H.B. No. 38)

AN ACT

RELATING TO DECLARATIONS FOR MENTAL HEALTH TREATMENT; AMENDING SECTION 66-609, IDAHO CODE, TO PROVIDE A CODE REFERENCE.

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

SECTION 1. That Section 66-609, Idaho Code, be, and the same is hereby amended to read as follows:

66-609. ACTIONS CONTRARY TO DECLARATION. The physician or provider may subject the principal to mental health treatment in a manner contrary to the principal's wishes as expressed in a declaration for mental health treatment only:

(1) If the principal is committed to a treatment facility under section 18-212 or 66-329, Idaho Code; or

(2) In cases of emergency endangering life or health.

Approved March 20, 2017

CHAPTER 65
(H.B. No. 41)

AN ACT

RELATING TO INDIVIDUALS WITH DISABILITIES; AMENDING CHAPTER 7, TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 56-708, IDAHO CODE, TO PROVIDE LEGISLATIVE FINDINGS AND INTENT, TO PROVIDE THAT ACCOUNTS ESTABLISHED UNDER THE FEDERAL ACHIEVING A BETTER LIFE EXPERIENCE ACT SHALL BE DISREGARDED WHEN DETERMINING AN APPLICANT'S ELIGIBILITY FOR CERTAIN PROGRAMS OR GRANTS AND TO PROVIDE FOR CERTAIN ASSISTANCE SUBJECT TO APPROPRIATION.

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

SECTION 1. That Chapter 7, 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 56-708, Idaho Code, and to read as follows:

56-708. ABLE ACCOUNTS. (1) Findings and intent. The federal achieving a better life experience (ABLE) act, public law 113-295, 26 U.S.C. 529A, provides that a state may establish a program under which certain individuals with disabilities may open accounts in order to save money to pay for qualified disability expenses, such as expenses relating to education, housing, transportation, employment training and assistive technology. These accounts may be opened by qualified Idahoans in any state having an ABLE account program, and are to be disregarded when determining an individual's eligibility for assistance programs established by federal law, including medicaid and supplemental security income. Though Idaho has not implemented its own ABLE account program, the legislature finds that ABLE accounts promote dignified personal independence and opportunities for individuals with disabilities. It is therefore the intent of the legislature to ensure that the state provide technical assistance to Idahoans interested in opening ABLE accounts in other states, and to protect the eligibility of individuals who have such ABLE accounts when applying for state or local assistance.

(2) Eligibility. Notwithstanding any provision of state law or local ordinance to the contrary, if an applicant for a state or local assistance program or a need-based state or local grant has an ABLE account in another state, the account, and any activity related thereto, shall be disregarded when determining the applicant's eligibility for the assistance program or grant to the extent that the account and any activity related thereto would be disregarded in determining the applicant's eligibility for an assistance program established by federal law.

(3) Technical assistance. Subject to appropriation, there is hereby established a function to provide individuals with disabilities, and those assisting them, technical assistance relating to the ABLE act. Such function shall be within the Idaho state independent living council until such time as it might be assigned to another appropriate agency. Such technical assistance shall include information and assistance with respect to setting up ABLE accounts in other states, whether through or in conjunction with databases and websites operated by or under the auspices of organizations or government agencies, or otherwise, and the provision of information related to financial literacy.

Approved March 20, 2017

CHAPTER 66
(H.B. No. 43)

AN ACT

RELATING TO MEDICAL ASSISTANCE; AMENDING SECTION 56-254, IDAHO CODE, TO REVISE ELIGIBILITY REQUIREMENTS TO INCLUDE CERTAIN CHILDREN WITH SERIOUS EMOTIONAL DISTURBANCE AND TO MAKE A TECHNICAL CORRECTION.

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

SECTION 1. That Section 56-254, Idaho Code, be, and the same is hereby amended to read as follows:

56-254. ELIGIBILITY FOR MEDICAL ASSISTANCE. The department shall make payments for medical assistance to, or on behalf of, the following persons eligible for medical assistance.

(1) The benchmark plan for low-income children and working-age adults with no special health needs includes the following persons:

(a) Children in families whose family income does not exceed one hundred eighty-five percent (185%) of the federal poverty guideline and who meet age-related and other eligibility standards in accordance with department rule;

(b) Pregnant women of any age whose family income does not exceed one hundred thirty-three percent (133%) of the federal poverty guideline and who meet other eligibility standards in accordance with department rule, or who meet the presumptive eligibility guidelines in accordance with section 1920 of the social security act;

(c) Infants born to medicaid-eligible pregnant women. Medicaid eligibility must be offered throughout the first year of life ~~se~~ as long as the infant remains in the mother's household and she remains eligible, or would be eligible if she were still pregnant;

(d) Adults in families with dependent children as described in section 1931 of the social security act, who meet the requirements in the state's assistance to families with dependent children (AFDC) plan in effect on July 16, 1996;

(e) Families who are provided six (6) to twelve (12) months of medicaid coverage following loss of eligibility under section 1931 of the social security act due to earnings, or four (4) months of medicaid coverage following loss of eligibility under section 1931 of the social security act due to an increase in child or spousal support;

(f) Employees of small businesses who meet the definition of "eligible adult" as described in section 56-238, Idaho Code, whose eligibility is limited to the medical assistance program described in section 56-241, Idaho Code; and

(g) All other mandatory groups as defined in title XIX of the social security act, if not listed separately in subsection (2) or (3) of this section.

(2) The benchmark plan for persons with disabilities or special health needs includes the following persons:

(a) Persons under age sixty-five (65) years eligible in accordance with title XVI of the social security act, as well as persons eligible for aid to the aged, blind and disabled (AABD) under titles I, X and XIV of the social security act;

(b) Persons under age sixty-five (65) years who are in need of the services of a licensed nursing facility, a licensed intermediate care facility for the developmentally disabled, a state mental hospital, or home-based and community-based care, whose income does not exceed three hundred percent (300%) of the social security income (SSI) standard and

who meet the asset standards and other eligibility standards in accordance with federal law and regulation, Idaho law and department rule;

(c) Certain disabled children described in 42 CFR 435.225 who meet resource limits for aid to the aged, blind and disabled (AABD) and income limits for social security income (SSI) and other eligibility standards in accordance with department rules;

(d) Persons under age sixty-five (65) years who are eligible for services under both titles XVIII and XIX of the social security act;

(e) Children who are eligible under title IV-E of the social security act for subsidized board payments, foster care or adoption subsidies, and children for whom the state has assumed temporary or permanent responsibility and who do not qualify for title IV-E assistance but are in foster care, shelter or emergency shelter care, or subsidized adoption, and who meet eligibility standards in accordance with department rule;

(f) Eligible women under age sixty-five (65) years with incomes at or below two hundred percent (200%) of the federal poverty level, for cancer treatment pursuant to the federal breast and cervical cancer prevention and treatment act of 2000;

(g) Low-income children and working-age adults under age sixty-five (65) years who qualify under subsection (1) of this section and who require the services for persons with disabilities or special health needs listed in section 56-255(3), Idaho Code; and

(h) Persons over age sixty-five (65) years who choose to enroll in this state plan; and

(i) Effective January 1, 2018, children under eighteen (18) years with serious emotional disturbance, as defined in section 16-2403, Idaho Code, in families whose income does not exceed three hundred percent (300%) of the federal poverty guideline and who meet other eligibility standards in accordance with department rule.

(3) The benchmark plan for persons over twenty-one (21) years of age who have medicare and medicaid coverage includes the following persons:

(a) Persons eligible in accordance with title XVI of the social security act, as well as persons eligible for aid to the aged, blind and disabled (AABD) under titles I, X and XIV of the social security act;

(b) Persons who are in need of the services of a licensed nursing facility, a licensed intermediate care facility for the developmentally disabled, a state mental hospital, or home-based and community-based care, whose income does not exceed three hundred percent (300%) of the social security income (SSI) standard and who meet the assets standards and other eligibility standards in accordance with federal and state law and department rule;

(c) Persons who are eligible for services under both titles XVIII and XIX of the social security act who have enrolled in the medicare program; and

(d) Persons who are eligible for services under both titles XVIII and XIX of the social security act and who elect to enroll in this state plan.

Approved March 20, 2017

CHAPTER 67
(H.B. No. 46)

AN ACT

RELATING TO SIGN LANGUAGE INTERPRETERS; AMENDING SECTION 54-2902, IDAHO CODE, TO REVISE THE DECLARATION OF POLICY REGARDING THE LICENSURE OF SIGN LANGUAGE INTERPRETERS; AMENDING SECTION 54-2903, IDAHO CODE, TO REVISE DEFINITIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-2904, IDAHO CODE, TO PROVIDE WHEN A LICENSE FOR SIGN LANGUAGE INTERPRETING IS REQUIRED; AMENDING SECTION 54-2905, IDAHO CODE, TO PROVIDE EXEMPTIONS FOR LICENSURE FOR SIGN LANGUAGE INTERPRETING AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-2908, IDAHO CODE, TO PROVIDE THE SPEECH, HEARING AND COMMUNICATION SERVICES LICENSURE BOARD, TO REVISE MEMBERSHIP, TO REVISE POWERS AND DUTIES, AND TO MAKE A TECHNICAL CORRECTION; AMENDING CHAPTER 29, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-2916A, IDAHO CODE, TO PROVIDE FOR LICENSURE OF SIGN LANGUAGE INTERPRETERS; AMENDING SECTION 54-2917, IDAHO CODE, TO PROVIDE FOR DUAL LICENSURE OF CERTAIN PROFESSIONS; AMENDING SECTION 54-2919, IDAHO CODE, TO PROVIDE A PROVISIONAL PERMIT FOR SIGN LANGUAGE INTERPRETERS; AMENDING SECTION 54-2924, IDAHO CODE, TO ADD SIGN LANGUAGE INTERPRETING, HEARING AID DEALING OR FITTING TO THOSE PRACTICES THE BOARD MAY INVESTIGATE; AMENDING SECTION 54-2927, IDAHO CODE, TO REVISE PROVISIONS FOR UNLAWFUL PRACTICE AND PENALTIES; AND PROVIDING EFFECTIVE DATES.

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

SECTION 1. That Section 54-2902, Idaho Code, be, and the same is hereby amended to read as follows:

54-2902. DECLARATION OF POLICY. To protect the public health, safety and welfare, and to provide for administrative supervision, licensure and regulation, every person practicing or offering to practice audiology, speech-language pathology, sign language interpreting or hearing aid dealing and fitting services as defined in this chapter, who meets and maintains prescribed standards of competence and conduct, shall be licensed as provided in this chapter. This chapter shall be liberally construed to promote the public interest and to accomplish the purpose stated herein.

SECTION 2. That Section 54-2903, Idaho Code, be, and the same is hereby amended to read as follows:

54-2903. DEFINITIONS. As used in this chapter:

(1) "Applicant" means a person applying for a license or permit under this chapter.

(2) "Audiologist" means a natural person who meets the requirements of this chapter, is duly licensed in accordance with this chapter and is engaged in the practice of audiology.

(3) "Board" means the speech, and hearing and communication services licensure board.

(4) "Bureau" means the bureau of occupational licenses.

(5) "Department" means the department of self-governing agencies.

(6) "Hearing aid" means any wearable electronic instrument or other device designed for the purpose of aiding or compensating for impaired human hearing and any parts, attachments or accessories, including earmolds attached to the hearing aid, but excluding batteries and cords. "Hearing aid" does not include those devices classified by the federal drug administration as assistive listening devices.

(7) "Hearing aid dealer and fitter" means a person licensed pursuant to this chapter to provide hearing aid evaluations and to sell, dispense and fit hearing aids in the state of Idaho.

(8) "Hearing aid evaluation" means the measurement of human hearing for the purpose of selecting or adapting a hearing aid, and not for obtaining medical diagnosis or legal documentation, and includes the following:

- (a) Air conduction threshold testing;
- (b) Bone conduction threshold testing;
- (c) Speech reception threshold testing;
- (d) Speech discrimination testing;
- (e) Most comfortable loudness level testing; and
- (f) Uncomfortable loudness level testing.

(9) "Improper fitting" means a pattern of hearing aid selections or adaptations, which cause physical damage to any portion of the ear, in which the electroacoustic characteristics of the hearing aid are inadequate for the consumer, or in which the hearing aid is physically or acoustically unsuited to the consumer including, but not limited to:

- (a) An all-in-the-ear hearing aid, which continually falls out of the ear;
- (b) Any hearing aid or earmold, which causes inappropriate feedback, pain or discomfort to the ear within thirty (30) days of the original delivery of the hearing aid to the consumer;
- (c) Fitting a consumer with impacted cerumen; or
- (d) Fitting a consumer with either an apparent unilateral sensorineural hearing loss or a significant air-bone gap without prior medical evaluation and approval.

(10) "License" means a license issued by the board under this chapter ~~authorizing practice as a speech-language pathologist, audiologist, or hearing aid dealer and fitter.~~

(11) "Practice of audiology" means to apply the principles, methods and procedures of measurement, evaluation, testing, counseling, consultation and instruction that relate to the development and disorders of hearing, vestibular functions and related language and speech disorders to prevent, modify or rehabilitate the disorders or to assist individuals in auditory and related skills for communication, and may include intraoperative monitoring and the fitting, adjustment, programming, selling and dispensing of hearing aids and assistive devices.

(12) "Practice of fitting and dealing in hearing aids" means the selection, adaptation, dispensing, fitting or sale of hearing aids, and includes the testing of hearing by means of an audiometer, or by any other device designed specifically for these purposes. The practice also includes the making of impressions for earmolds.

(13) "Practice of sign language interpreting" means the application of the process of providing effective communication between and among persons who are deaf, hard of hearing or deaf-blind, speech impaired and those who can hear. The process includes, but is not limited to, communication between American sign language or other forms of manual communication and English. The process may also involve various other modalities that involve visual, gestural and tactile methods.

(14) "Practice of speech-language pathology" means the application of principles, methods and procedures of measurement, evaluation, testing, counseling, rehabilitation, screening, consultation and instruction that relate to the development and disorders of human communication including, but not limited to, speech (articulation, fluency, voice, accent reduction) and language, swallowing, cognitive communication disorders, augmentative and alternative communication systems and related hearing disorders.

(145) "Provisional permit" means a permit issued to an applicant who is registered to obtain required experience to become licensed.

(16) "Sign language interpreter" means a natural person who meets the requirements of this chapter, is duly licensed in accordance with this chapter, and who engages in the practice of sign language interpreting.

(157) "Speech-language pathologist" means a natural person who meets the requirements of this chapter, is duly licensed in accordance with this chapter, and who engages in the practice of speech-language pathology.

(168) "Speech-language pathologist aide" means a natural person who meets the requirements of this chapter, is duly licensed in accordance with this chapter, and who works under the direction and supervision of a speech-language pathologist. A speech-language pathologist aide shall not act or provide services independently of a supervising speech-language pathologist licensed in Idaho.

(179) "Speech-language pathologist assistant" means a natural person who meets the requirements of this chapter, is duly licensed in accordance with this chapter, and works under the direction and supervision of a speech-language pathologist. A speech-language pathologist assistant shall not act or provide services independently of a supervising speech-language pathologist licensed in Idaho.

SECTION 3. That Section 54-2904, Idaho Code, be, and the same is hereby amended to read as follows:

54-2904. LICENSE REQUIRED. (1) Except as otherwise provided in this chapter, it shall be unlawful for any person to engage in the practice or to perform or offer to practice audiology or speech-language pathology or sign language interpreting or to act as a hearing aid dealer or fitter unless such person is duly licensed in accordance with this chapter. A license issued pursuant to this chapter shall be posted in the licensee's established place of business or carried upon the person, and shall be presented as proof of licensure upon demand.

(2) It is unlawful for any person or business entity, or its employees, agents or representatives, to use in connection with his or her name, or name of activity of the business, the words "audiologist," "audiometrist," "hearing clinician," "hearing therapist," or any other title, abbreviation or insignia indicating or implying directly or indirectly that such person, business entity, employee, agent or representative is engaged in the practice of audiology, unless such services are provided by an audiologist licensed in accordance with this chapter or lawfully exempt pursuant to section 54-2905(1) (c), Idaho Code .

(3) It is unlawful for any person or business entity, or its employees, agents or representatives, to use in connection with his or her name, or name of activity of the business, the words "speech pathologist," "speech therapist," "speech correctionist," "speech clinician," "language therapist," "language pathologist," "voice therapist," "voice pathologist," "logopedist," "communicologist," "aphasiologist," or any other title, abbreviation or insignia indicating or implying directly or indirectly that such person, business entity, employee, agent or representative is engaged in the practice of speech-language pathology, unless such services are provided by a speech-language pathologist licensed in accordance with this chapter or lawfully exempt pursuant to section 54-2905(1) (c), Idaho Code.

(4) It is unlawful for any person or business entity, or its employees, agents or representatives, to use in connection with his or her name, or name of activity of the business, the words "hearing aid dealer and fitter" or any other title, abbreviation or insignia indicating or implying directly or indirectly that such person, business entity, employee, agent or representative is engaged in the practice of audiology or hearing aid dealing and fitting, unless such services are provided by an audiologist or hearing aid dealer and fitter licensed in accordance with this chapter.

(5) It is unlawful for any person or business entity, or its employees, agents or representatives, to use in connection with his or her name, or name of activity of the business, the words "sign language interpreter" or any other title, abbreviation or insignia indicating or implying directly or indirectly that such person, business entity, employee, agent or representative is engaged in the practice of sign language interpreting, unless such services are provided by a sign language interpreter licensed in accordance with this chapter.

SECTION 4. That Section 54-2905, Idaho Code, be, and the same is hereby amended to read as follows:

54-2905. EXEMPTIONS. (1) Nothing in this chapter shall be construed to restrict:

(a) Any person licensed or regulated by the state of Idaho from engaging in the profession or practice for which he or she is licensed or regulated including, but not limited to, any certified or accredited teacher of the deaf, nurse, physician, occupational therapist, physical therapist, surgeon, or any other licensed or regulated practitioner of the healing arts;

(b) Any employee working under the direct supervision of those persons referred to in this section, se as long as such employee does not hold himself or herself out as an audiologist, speech-language pathologist, speech-language pathologist aide or assistant, sign language interpreter, hearing aid dealer or fitter, or a person engaged in the practice of audiology, speech-language pathology, sign language interpreting, or hearing aid dealing and fitting; or

(c) Any person working in an Idaho public school setting who has received and holds, in good standing, a pupil personnel services certificate with a speech-language pathologist endorsement or audiologist endorsement, or any person working as a speech-language pathologist aide or speech-language pathologist assistant, as those terms are defined in section 54-2903, Idaho Code, in a public school setting under the direction and supervision of a person with such endorsement in good standing. Such persons, while practicing in the public school setting, shall be exempt from all provisions of this chapter; provided however, that any such person working in an Idaho public school setting with a pupil personnel services certificate with a speech-language pathologist endorsement or audiology endorsement, or a speech-language pathologist aide or speech-language pathologist assistant, shall be prohibited from practicing independently in a setting other than a public school unless such person is duly licensed as set forth in this chapter.

(2) Licensure shall not be required for persons pursuing a course of study leading to a degree in audiology, speech-language pathology, sign language interpreting, or hearing aid dealing and fitting at a college or university with a curriculum acceptable to the board provided that:

(a) Activities and services otherwise regulated by this chapter constitute a part of a planned course of study at that institution;

(b) Such persons are designated by a title such as "intern," "trainee," "student," or by other such title clearly indicating the status appropriate to their level of education; and

(c) Such persons work under the supervision of a person licensed by this state to practice audiology, speech-language pathology, sign language interpreting, or hearing aid dealing and fitting in accordance with administrative rules governing supervision as adopted by the board. The supervising audiologist, speech-language pathologist, sign language interpreter, or hearing aid dealer and fitter accepts full

responsibility for the activities and services provided by such persons supervised.

(3) Nothing in this chapter shall restrict a person residing in another state or country and authorized to practice audiology, speech-language pathology, sign language interpreting, or hearing aid dealing or fitting there in that jurisdiction, who is called in consultation by a person licensed in this state to practice audiology, speech-language pathology, sign language interpreting, or hearing aid dealing and fitting, or who for the purpose of furthering audiology, speech-language pathology, sign language interpreting, or hearing aid dealing and fitting education is invited into this state to conduct a lecture, clinic or demonstration, while engaged in activities in connection with the consultation, lecture, clinic or demonstration, so as long as such person does not open an office or appoint a place to meet clients or receive calls in this state.

(4) The provisions of this chapter regarding licensure of sign language interpreters shall not apply to the following:

(a) A person holding a current general license, unless the license is provisional, is allowed to interpret in a preschool and/or K-12 setting pursuant to section 33-1304, Idaho Code.

(b) A person who is deaf or hard of hearing and does not possess interpreter certification or credentials may, at the discretion of the board by rule, perform in the role of a deaf interpreter.

(c) A student enrolled in a sign language interpreter educational program provided by an accredited college or university performing sign language interpretation as an integral part of the student's course of study and as supervised by a licensed sign language interpreter.

(d) Individuals licensed as sign language interpreters in another state authorizing such individuals to practice sign language interpreting in Idaho for a period not to exceed thirty (30) days pursuant to such terms and requirements as set forth in the rules of the board.

(e) A person providing services to the activities and services of any religious denomination or sect;

(f) Interpreting in an inconsequential situation, which means the level of significance is such that a licensed interpreter would not be deemed necessary for effective communication during that interaction. Inconsequential situations may include, but are not limited to: ordering food at a restaurant, checking into a hotel or purchasing an item from a retailer;

(g) A person providing services in a private, noncommercial, family event; or

(h) Exigent emergency circumstances for temporary interpreting services until a qualified interpreter can be obtained.

(5) Interpreters and video remote interpreting services performing interpretation for the judicial department will be selected and assigned and will provide interpreting services pursuant to rules and orders promulgated by the Idaho supreme court to ensure full access to the courts and court services for all deaf and hard of hearing persons as required by the due process provisions of the United States and Idaho constitutions and the provisions of the Americans with disabilities act (ADA) .

SECTION 5. That Section 54-2908, Idaho Code, be, and the same is hereby amended to read as follows:

54-2908. SPEECH, AND HEARING AND COMMUNICATION SERVICES LICENSURE BOARD. (1) There is hereby established in the department of self-governing agencies a speech, and hearing and communication services licensure board. The board shall consist of seven (7) members appointed by the governor. The governor may consider recommendations for appointment to the board from the Idaho speech-language speech, language, hearing association, inc.

(ISHA), any Idaho association of hearing aid dealers and fitters, any Idaho association of sign language interpreters and any individual residing in this state. Three Two (32) members of the board shall be speech-language pathologists, one (1) member shall be licensed as a sign language interpreter, two (2) members shall be audiologists, one (1) member shall be a hearing aid dealer and fitter, and one (1) member shall be appointed from the public at-large. Each nonpublic member shall:

(a) Have been a resident of the state of Idaho for no less than one (1) year immediately preceding his or her appointment;

(b) Have been engaged in rendering services to the public, teaching, or performing research in the field of audiology, speech-language pathology, sign language interpreting, or hearing aid dealing and fitting for a period of not less than five (5) years preceding his or her appointment;

(c) Be a currently practicing audiologist, speech-language pathologist, sign language interpreter, or hearing aid dealer and fitter; and

(d) At all times during such appointment to the board, maintain a valid license in audiology, speech-language pathology, sign language interpreting, or hearing aid dealing and fitting, except for the first appointees who shall meet the eligibility requirements for licensure as specified in this chapter at all times after initial appointment.

(2) The public member appointed as provided herein shall have been a resident of the state of Idaho for not less than one (1) year immediately preceding his appointment. Further, such public member shall not be associated with or financially interested in the practice or business of audiology, speech-language pathology, sign language interpreting, or hearing aid dealing and fitting, nor shall such public member be engaged in an allied or related profession or occupation.

(3) ~~Members shall serve a term of three (3) years at the pleasure of the governor and shall be staggered as follows: two (2) members whose terms expire July 1, 2008; two (2) members whose terms expire July 1, 2009; and three (3) members whose terms expire July 1, 2010. The governor shall appoint members and their terms shall begin July 1, 2008.~~ In the event of a vacancy other than expiration of a term, the governor shall appoint a replacement to fill the vacancy for the remainder of the unexpired term.

(4) Members shall disqualify themselves and, upon the motion of any interested party may, upon proper showing, be disqualified in any proceeding concerning which they have an actual conflict of interest or bias that interferes with their fair and impartial service.

SECTION 6. That Chapter 29, 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 54-2916A, Idaho Code, and to read as follows:

54-2916A. QUALIFICATIONS FOR LICENSURE -- SIGN LANGUAGE INTERPRETER. To be eligible for licensure as a sign language interpreter, the applicant shall:

(1) File a written application with the board on forms prescribed and furnished by the board. A nonrefundable application fee shall accompany the completed written application. Such fees shall be established by the administrative rules of the board and shall be in such amounts as are reasonable and necessary for the proper execution and enforcement of this chapter;

(2) Provide verification acceptable to the board of the following:

(a) Be at least twenty-one (21) years of age;

(b) Good moral character;

(c) Never having had a license or certification revoked or otherwise sanctioned as part of disciplinary action from this or any other state;

(d) Never having been convicted, found guilty or received a withheld judgment for any felony; and

(e) Never having been found by the board to have engaged in conduct prohibited by this chapter.

The board may take into consideration the rehabilitation of the applicant and other mitigating circumstances when considering applications for licensure.

(3) Provide evidence satisfactory to the board of having successfully passed a nationally recognized competency examination approved by the board or achieved certification defined by board rule;

(4) Provide educational documentation satisfactory to the board that the applicant has successfully graduated from a four-year course at an accredited high school or the equivalent; and

(5) Provide documentation that the applicant has successfully passed an examination approved by the board.

SECTION 7. That Section 54-2917, Idaho Code, be, and the same is hereby amended to read as follows:

54-2917. DUAL LICENSURE. A person may be licensed as both an audiologist and a speech-language pathologist or sign language interpreter, if such person duly meets the requirements of licensure for both each such license. A person obtaining licensure as both an audiologist and a speech-language pathologist or sign language interpreter shall be charged fees as though the person had obtained only one (1) license.

SECTION 8. That Section 54-2919, Idaho Code, be, and the same is hereby amended to read as follows:

54-2919. PROVISIONAL PERMIT. The board shall adopt rules providing for a provisional permit to allow a person to engage in the practice of audiology or speech-language pathology while completing either the required postgraduate experience or a comparable experience as part of a doctoral program in audiology as required by this chapter. The board may further provide for a provisional permit to allow a person to engage in fitting and dealing hearing aids or sign language interpreting pursuant to rules adopted by the board. The holder of a provisional permit may practice only while under the supervision of a person fully licensed under this chapter.

SECTION 9. That Section 54-2924, Idaho Code, be, and the same is hereby amended to read as follows:

54-2924. INVESTIGATIONS AND DISCIPLINARY ACTIONS -- PROCEDURES. (1) The board is authorized to institute any investigation, hearing or other legal proceeding necessary to effect compliance with this chapter.

(2) The board or its hearing officer, upon a finding that action is necessary, shall have the power pursuant to this chapter to administer oaths, take depositions of witnesses within or without the state in the manner provided by the administrative rules adopted by the board, and shall have power throughout the state of Idaho to require the attendance of such witnesses and the production of such books, records and papers as it may desire at any hearing and for that purpose the board may issue a subpoena for any witness or a subpoena duces tecum to compel the production of any books, records or papers, directed to the sheriff of any county of the state of Idaho, where such witness resides or may be found, which shall be served and returned. The board may require a licensee to be examined to determine his or her mental or physical competence when the board has probable cause to believe the licensee is suffering from an impairment that might impede his or her ability to practice competently. The board may accept a voluntary restriction offered by a licensee on a licensee's scope of practice due to impairment of the licensee's competence.

(3) When it is brought to the attention of the board by the written statement of any person that a person licensed under this chapter has done any act or thing in violation of any provision of this chapter, the board shall make an investigation of such person and, if it is determined there is probable cause to institute proceedings against such person, the board shall commence a formal proceeding against the person in accordance with chapter 52, title 67, Idaho Code, and with the administrative rules adopted by the board.

(4) The board may investigate any person to the extent necessary to determine if the person is engaged in the unlawful practice of audiology, ~~or~~ speech-language pathology, sign language interpreting or hearing aid dealing or fitting. If an investigation indicates that a person may be practicing audiology, sign language interpreting, hearing aid dealing or fitting, or speech-language pathology unlawfully, the board shall inform the person of the alleged violation. The board shall refer all violations of this section made known to it to appropriate prosecuting attorneys whether or not the person ceases the unlawful practice. The board may render assistance to a prosecuting attorney in the prosecution of a case pursuant to this section.

(5) The board may, in the name of the people of the state of Idaho, apply for injunctive relief in any court of competent jurisdiction to enjoin any person from committing any act in violation of this chapter. Such injunction proceedings shall be in addition to, and not in lieu of, all penalties and other remedies provided for in this chapter.

SECTION 10. That Section 54-2927, Idaho Code, be, and the same is hereby amended to read as follows:

54-2927. UNLAWFUL PRACTICE -- PENALTIES. (1) It shall be unlawful for any person to practice or offer to practice audiology, speech-language pathology, sign language interpreting, or hearing aid dealing and fitting in this state, or to use in connection with his or her name or otherwise assume, use or advertise any title or description tending to convey the impression that he or she is an audiologist, speech-language pathologist, sign language interpreter, or hearing aid dealer and fitter, unless such person has been appropriately licensed under the provisions of this chapter.

(2) It shall be unlawful for any person to aid, abet or require another person, licensed or unlicensed, to directly or indirectly violate or evade any provision of this chapter, or to combine or conspire with another person, or permit one's license to be used by another person, or to act as an agent, partner, associate or otherwise, of another person with the intent to violate or evade the provisions of this chapter.

(3) A violation of the provisions of this chapter shall constitute a misdemeanor and any person convicted thereof shall be fined an amount not to exceed one thousand dollars (\$1,000), or imprisoned in a county jail for a period not to exceed six (6) months, or shall be punished by both such fine and imprisonment.

SECTION 11. Sections 1, 2, and 4 through 9 of this act shall be in full force and effect on and after July 1, 2017, and Sections 3 and 10 of this act shall be in full force and effect on and after July 1, 2018.

Approved March 20, 2017

CHAPTER 68
(H.B. No. 52)

AN ACT

RELATING TO OIL AND GAS; AMENDING CHAPTER 3, TITLE 47, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 47-331, IDAHO CODE, RATIFYING, APPROVING, ADOPTING AND CONFIRMING THE INTERSTATE COMPACT TO CONSERVE OIL AND GAS, TO PROVIDE FOR EFFECTIVITY, TO PROVIDE FOR STATES BECOMING PARTIES TO THE COMPACT, TO PROVIDE A PURPOSE, TO PROVIDE FOR THE PREVENTION OF CERTAIN WASTE, TO PROVIDE FOR THE DENIAL OF ACCESS TO COMMERCE AND FOR PENALTIES, TO CLARIFY THE LIMITATION OF THE PURPOSE OF THE COMPACT, TO PROVIDE FOR THE INTERSTATE OIL COMPACT COMMISSION, TO CLARIFY THE LACK OF CERTAIN FINANCIAL OBLIGATION, TO PROVIDE FOR CONTINUATION OF THE COMPACT UNTIL CONGRESS WITHDRAWS CONSENT, TO PROVIDE FOR WITHDRAWAL, TO PROVIDE FOR THE PROCESSING OF A SIGNED SINGLE ORIGINAL AGREEMENT, TO PROVIDE FOR RATIFICATION AND APPROVAL PURSUANT TO SPECIFIED TERMS, TO PROVIDE A PROCEDURE FOR BECOMING A PARTY TO THE COMPACT, TO PROVIDE FOR NOTICE BY THE GOVERNOR, TO AUTHORIZE THE GOVERNOR IN HIS DISCRETION TO WITHDRAW THE STATE FROM THE COMPACT AND TO PROVIDE THAT THE GOVERNOR SHALL APPOINT A REPRESENTATIVE TO THE INTERSTATE OIL AND GAS COMPACT COMMISSION.

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

SECTION 1. That Chapter 3, Title 47, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 47-331, Idaho Code, and to read as follows:

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

INTERSTATE COMPACT TO CONSERVE OIL AND GAS

ARTICLE I

This agreement may become effective within any compacting state at any time as prescribed by that state, and shall become effective within those states ratifying it whenever any three of the states of Texas, Oklahoma, California, Kansas and New Mexico have ratified and congress has given its consent. Any oil-producing state may become a party hereto as hereinafter provided.

ARTICLE II

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

ARTICLE III

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

- (a) The operation of any oil well with an inefficient gas-oil ratio.
- (b) The drowning with water of any stratum capable of producing oil or gas, or both oil and gas, in paying quantities.
- (c) The avoidable escape into the open air or the wasteful burning of gas from a natural gas well.
- (d) The creation of unnecessary fire hazards.
- (e) The drilling, equipping, locating, spacing or operating of a well or wells so as to bring about physical waste of oil or gas or loss in the ultimate recovery thereof.
- (f) The inefficient, excessive or improper use of the reservoir energy in producing any well.

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

ARTICLE IV

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

ARTICLE V

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

ARTICLE VI

Each state joining herein shall appoint one representative to a commission hereby constituted and designated as "The Interstate Oil Compact Commission," the duty of which said commission shall be to make inquiry and ascertain from time to time such methods, practices, circumstances, and conditions as may be disclosed for bringing about conservation and the prevention of physical waste of oil and gas, and at such intervals as said commission deems beneficial it shall report its findings and recommendations to the several states for adoption or rejection.

The commission shall have the power to recommend the coordination of the exercise of the police powers of the several states within their several jurisdictions to promote the maximum ultimate recovery from the petroleum reserves of said states, and to recommend measures for the maximum ultimate recovery of oil and gas. Said commission shall organize and adopt suitable rules and regulations for the conduct of its business.

No action shall be taken by the commission except: (1) by the affirmative votes of the majority of the whole number of the compacting states represented at any meeting, and (2) by a concurring vote of a majority in interest of the compacting states at said meeting, such interest to be determined as follows: such vote of each state shall be in the decimal proportion fixed by the ratio of its daily average production during the preceding calendar half-year to the daily average production of the compacting states during

said period.

ARTICLE VII

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

ARTICLE VIII

This compact shall continue in effect until congress withdraws its consent. But any state joining herein may, upon sixty (60) days notice, withdraw herefrom.

The representatives of the signatory states have signed this agreement in a single original which shall be deposited in the archives of the department of state of the United States, and a duly certified copy shall be forwarded to the governor of each of the signatory states.

This compact shall become effective when ratified and approved as provided in article I of this compact. Any oil-producing state may become a party hereto by affixing its signature to a counterpart to be similarly deposited, certified, and ratified.

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

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

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

Approved March 20, 2017

CHAPTER 69 (H.B. No. 70)

AN ACT

RELATING TO STEM SCHOOL DESIGNATION; PROVIDING LEGISLATIVE INTENT; AND AMENDING TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 47, TITLE 33, IDAHO CODE, TO DEFINE TERMS, TO AUTHORIZE THE AWARD OF STEM PROGRAM AND STEM SCHOOL DESIGNATIONS, TO ESTABLISH CRITERIA AND DURATION FOR DESIGNATIONS, TO REQUIRE AN ANNUAL REPORT TO THE LEGISLATURE AND TO AUTHORIZE RULEMAKING.

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

SECTION 1. LEGISLATIVE INTENT. It is the intent of the Legislature to encourage and support schools in developing comprehensive science, technology, engineering and math (STEM) learning environments for their students by establishing criteria for schools to earn a STEM school designation that will serve as an indicator for parents and students who are looking for STEM school experiences in Idaho. A STEM designation will be based on evidence that the school will offer a rigorous, diverse, integrated and project-based

curriculum to students, with the goal of preparing those students for post-secondary education, the workforce and citizenship.

SECTION 2. That Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 47, Title 33, Idaho Code, and to read as follows:

CHAPTER 47
STEM SCHOOL DESIGNATION

33-4701. STEM SCHOOL DESIGNATION FOR PUBLIC SCHOOLS. (1) As used in this section:

(a) "STEM" means comprehensive science, technology, engineering and mathematics.

(b) "STEM instruction" means multidisciplinary science, technology, engineering and mathematics instruction.

(c) "STEM school designation" and "STEM program designation" mean the designations earned by meeting the criteria as established in this section.

(d) "STEM program" means a course of study, institute or academy within a school that is multigrade and multidiscipline consisting of STEM instruction.

(2) The state board of education shall award STEM school and STEM program designations annually to those public schools and public school programs that meet the standards established by the state board of education in collaboration with the STEM action center.

(3) To be eligible to apply for a STEM designation, the school must meet the standards and application requirements established by the state board of education and the STEM action center, including the following:

(a) Be a current public school in Idaho that serves students in kindergarten through grade 12, or a subset of grades between kindergarten and grade 12;

(b) Apply to the STEM action center for a STEM school designation review to include evaluation of the following:

(i) STEM instruction and curriculum focused on problem-solving, student involvement in team-driven project-based learning, and engineering design process;

(ii) College and career exposure, exploration and advising;

(iii) Relevant professional learning opportunities for staff;

(iv) Community and family involvement;

(v) Integration of technology and physical resources to support STEM instruction;

(vi) Collaboration with institutions of higher education and industry;

(vii) Capacity to capture and share knowledge for best practices and innovative professional development with the STEM action center; and

(viii) Support of nontraditional and historically underserved student populations in STEM program areas.

(c) Adopt a plan of STEM implementation that includes, but is not limited to, how the school and district integrate proven best practices into non-STEM courses and practices and how lessons learned are shared with other schools within the district and throughout the state.

(4) The STEM action center board shall make recommendations annually to the state board of education for the award of a STEM school designation.

(5) STEM designations shall be valid for a term of five (5) school years. At the end of each designation term, a school may apply to renew its STEM designation. Schools may apply to expand a STEM program designation to

a STEM school designation, in alignment with established deadlines, at any time during the term of the STEM program designation.

(6) The STEM action center and the state board of education shall provide a report to the legislature annually on the implementation of this chapter.

(7) The state board of education may promulgate rules for the administration and implementation of this chapter.

Approved March 20, 2017

CHAPTER 70
(H.B. No. 73)

AN ACT

RELATING TO COMMUNITY COLLEGES; AMENDING SECTION 33-2107A, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY, TO PROVIDE THAT UPPER DIVISION COURSES AND PROGRAMS ARE SUBJECT TO CERTAIN APPROVAL, TO CLARIFY TERMINOLOGY, TO PROVIDE THAT CERTAIN STUDENTS SHALL BE GIVEN PREFERENCE FOR ADMISSION TO THE UPPER DIVISION AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 33-2107B, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY, TO REMOVE A PROVISION RELATING TO DISTRICT DESIGNATION AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 33-2107C, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY, TO CLARIFY TERMINOLOGY AND TO REVISE CRITERIA REGARDING URBAN AREA DISTRICTS AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 33-2107A, Idaho Code, be, and the same is hereby amended to read as follows:

33-2107A. ESTABLISHMENT AND OPERATION OF THIRD AND FOURTH YEAR COLLEGE CURRICULUM IN JUNIOR COMMUNITY COLLEGE DISTRICTS. The board of trustees of a ~~junior~~ community college district of an urban area, upon filing with the state board of education a notice of intent to exercise the powers herein granted, shall thereafter be authorized and empowered to organize and operate an upper division consisting of the third and fourth years of college curriculum with powers to grant baccalaureate degrees in liberal arts and sciences, business and education. Upper division courses and programs are subject to approval pursuant to section 33-107(8), Idaho Code. The operation of the ~~junior~~ community college and the upper division shall be kept separate; however, the joint use of facilities is authorized ~~providing~~ provided a proper cost allocation is made. The buildings and equipment for the use of said upper division may be purchased, leased, constructed, maintained, and administered from funds obtained by the board of trustees' levy. Such levy shall not exceed two hundredths percent (.02%) of the market value for assessment purposes on all taxable property within the taxing district. Said board under section 33-2113, Idaho Code, may obtain capital funds through issuance of general obligation bonds for such equipment and buildings, with the total tax levy for operation and bonds of the upper division not to exceed the levy limit authorized in this section. Such tax shall be certified and levied as provided for other taxes of the district. All other costs of operation of said upper division shall be provided by tuition and fees paid by the student. Gifts and grants may be accepted by the board of trustees for this or other purposes. A student who has been a resident of the community college district pursuant to section 33-2110B, Idaho Code, for not less than one (1) year at time of admission to the upper division, or who has completed the first two (2) years in the college, shall be given preference for admission to the upper division.

SECTION 2. That Section 33-2107B, Idaho Code, be, and the same is hereby amended to read as follows:

33-2107B. POWERS GRANTED BY PRECEDING SECTION IN ADDITION TO OTHER POWERS. The provisions of this Act shall be in addition to all powers and authorities heretofore vested by law or by regulation of the Sstate Bboard of Eeducation in the Bboard of Ttrustees of a junior community college district and all provisions of Section sections 33-2101, 33-2103 to through 33-2115, Idaho Code, and any additions or supplements amendatory thereto, shall be applicable to providing the third and fourth year college curriculum within such junior community college districts, unless the same are specifically in contradiction with any provision of this Act. ~~Districts exercising the powers herein granted may drop the word "Junior" from their designation.~~

SECTION 3. That Section 33-2107C, Idaho Code, be, and the same is hereby amended to read as follows:

33-2107C. DEFINITION OF URBAN AREA DISTRICTS EMPOWERED TO CREATE UPPER DIVISIONS. The powers provided herein for instruction of the third and fourth year college curriculum shall ~~only be exercisable~~ only by junior community college districts which at the date of the filing of notice of establishment of upper divisions as required are urban area districts, which is defined as a taxing district containing: (a) market value for assessment purposes of taxable property of not less than three hundred fifty million dollars (\$350,000,000); and (b) a population of not less than ninety thousand (90,000) persons, ~~in the county of the~~ taxing district where the college is located.

Approved March 20, 2017

CHAPTER 71
(H.B. No. 78)

AN ACT

RELATING TO MOTOR VEHICLES; AMENDING SECTION 49-602, IDAHO CODE, TO REVISE PROVISIONS REGARDING UNATTENDED VEHICLES AND TO PROVIDE AN EXCEPTION TO THE APPLICABILITY OF CERTAIN LAW REGARDING UNATTENDED MOTOR VEHICLES.

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

SECTION 1. That Section 49-602, Idaho Code, be, and the same is hereby amended to read as follows:

49-602. UNATTENDED MOTOR VEHICLE. No person driving or in charge of a motor vehicle shall permit it to stand unattended without ~~first stopping the engine, locking the ignition, removing the key from the ignition~~ locking the vehicle if the engine is running, effectively setting the parking brake and, when standing upon any grade, turning the front wheels to the curb or side of the highway. The provisions of this section do not apply to motor vehicles on private property.

Approved March 20, 2017

CHAPTER 72
(H.B. No. 81)

AN ACT

RELATING TO THE IDAHO CONRAD J-1 VISA WAIVER PROGRAM; AMENDING SECTION 39-6102, IDAHO CODE, TO REVISE PROVISIONS REGARDING PURPOSE; AMENDING SECTION 39-6105, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 39-6106, IDAHO CODE, TO REVISE PROVISIONS REGARDING REQUIREMENTS AND LIMITATIONS OF THE WAIVER PROGRAM AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 39-6107, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 39-6108, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 39-6109, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 39-6110, IDAHO CODE, TO REVISE PROVISIONS REGARDING CRITERIA FOR PROPOSED PRACTICE LOCATIONS; AMENDING SECTION 39-6111, IDAHO CODE, TO REVISE CRITERIA FOR PETITIONING PHYSICIANS; AMENDING CHAPTER 61, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-6111A, IDAHO CODE, TO PROVIDE FOR FLEX WAIVERS; AMENDING SECTION 39-6111A, IDAHO CODE, TO REDESIGNATE THE SECTION; AMENDING SECTION 39-6112, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 39-6114, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 39-6114A, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 39-6115, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 39-6116, IDAHO CODE, TO REVISE PROVISIONS REGARDING REVIEW AND ACTION BY THE STATE DEPARTMENT OF HEALTH AND WELFARE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 39-6117, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 39-6118, IDAHO CODE, TO REVISE TERMINOLOGY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 39-6102, Idaho Code, be, and the same is hereby amended to read as follows:

39-6102. PURPOSE. Under this chapter, rural and underserved communities in Idaho would be able to apply for the placement of a foreign trained physician after demonstrating that they are unable to recruit an American physician, and all other recruitment/placement possibilities have proven to be inaccessible.

(1) The "Idaho Conrad J-1 Visa Waiver Program" authorizes the Idaho department of health and welfare to recommend up to thirty (30) foreign trained physicians per federal fiscal year to locate in communities that are federally designated as having a health workforce shortage. No more than ten (10) of thirty (30) recommendations may be for physician specialists other than pediatrics, internal medicine, family medicine, obstetrics, gynecology, psychiatry or general surgery. Applications for specialists must demonstrate a need for the type of specialty held by the petitioning physician. Final approval of J-1 visa waiver requests are made by the United States bureau of citizenship and immigration services.

(2) Provided health care organizations located in federally designated shortage areas do not utilize the full annual allocation of J-1 visa waivers, the department will accept no more than ten (10) waiver applications six (6) months after the beginning of each federal fiscal year for petitioning J-1 visa waiver physicians to work in areas without a federal shortage area designation. The practice and petitioning physician must serve patients who reside in federally designated areas of underservice. The maximum number of flex waiver applications available to specialists is limited to no more than five (5) per federal fiscal year.

(3) The "National Interest Waiver Program" allows the Idaho department of health and welfare to testify that it is in the public's interest that a

waiver be granted to a foreign trained physician who commits to locating in a community that is federally determined as having a health workforce shortage. Final approval of the national interest waiver request is made by the United States bureau of citizenship and immigration services.

SECTION 2. That Section 39-6105, Idaho Code, be, and the same is hereby amended to read as follows:

39-6105. DEFINITIONS. As used in this chapter:

(1) "Applicant" means a health care facility that seeks to employ a physician and is requesting state support of a J-1 visa waiver or national interest waiver.

(2) "Area of underservice" means a health professional shortage area in primary care or mental health, a medically underserved area, or a medically underserved population, federally designated by the secretary of health and human services. ~~Physician scarcity areas as determined by the centers for medicaid and medicare services are included for the purpose of placing national interest waiver petitioning physicians.~~

(3) "Department" means the Idaho department of health and welfare.

(4) ~~"De-designation threshold" means the number of full-time equivalent primary care physicians necessary to remove the federal designation as an area of underservice.~~

~~(5)~~ "Employment contract" means a legally binding agreement between the applicant and the physician named in the J-1 visa waiver or national interest waiver application which contains all terms and conditions of employment, including, but not limited to, the salary, benefits, length of employment and any other consideration owing under the agreement. The employment contract must meet all state and federal criteria, including labor and immigration rules.

(65) "Federal fiscal year" means the twelve (12) months which commence the first day of October in each year and close on the thirtieth day of September of the following year.

(6) "Flex" means the maximum of ten (10) waiver applications, with no more than five (5) available to specialists, that may be submitted six (6) months following the beginning of each federal fiscal year for J-1 visa waiver physicians to work in areas without a federal shortage area designation.

(7) "Full time" means a working week of a minimum of forty (40) hours at one (1) or more health care facilities.

(8) "Health care facility" means an entity with an active Idaho taxpayer identification number doing business or proposing to do business in the practice location where the physician would be employed, whose stated purposes include the delivery of primary medical or mental health care.

(9) "Interested government agency" means an agency that has the authority from the United States department of state to submit requests for J-1 visa waivers of foreign physician petitioners on behalf of public interest.

(10) "J-1 visa" means an entrance permit into the United States for a foreign trained physician who is a nonimmigrant admitted under section 101(a)(15)(J) of the United States information and education exchange act or who acquired such status or who acquired exchange visitor status under the act.

(11) "J-1 visa waiver" means a federal action that waives the requirement for a foreign physician, in the United States on a J-1 visa, to return to his home country for a two (2) year period following medical residency training.

(12) "National interest waiver" means an exemption from the labor certification process administered by the United States department of labor for foreign physicians whose will to stay in the United States and work in an area

of underservice in Idaho is determined to be in the public interest by the Idaho department of health and welfare.

(13) "New start" means a health care facility as defined in subsection (8) of this section, that has been in existence for twelve (12) months or less.

(14) "Petitioning pPhysician" means the foreign physician, named in the J-1 visa waiver or national interest waiver application, who requires a waiver to remain in the United States to practice medicine.

(15) "Primary care" means a medical doctor or doctor of osteopathy licensed in pediatrics, family medicine, internal medicine, obstetrics, gynecology, general surgery or psychiatry.

(16) "Sliding fee discount schedule" means a written delineation documenting the value of charge discounts granted to patients based upon financial hardship and federal poverty guidelines.

(17) "Specialist" means a medical doctor or doctor of osteopathy in any specialty or subspecialty other than pediatrics, family medicine, internal medicine, obstetrics, gynecology, general surgery or psychiatry.

(18) "Unmet need" means a vacancy or shortage of primary care health or specialist physicians experienced by a community or population, as defined by federally designated health professional shortage areas or medically underserved areas/populations or as demonstrated by additional data and information required by the department.

(189) "Vacancy" means a full-time physician practice opportunity in the delivery of primary health care services.

SECTION 3. That Section 39-6106, Idaho Code, be, and the same is hereby amended to read as follows:

39-6106. GENERAL REQUIREMENTS AND LIMITATIONS. (1) J-1 visa waiver or national interest waiver request. The department may only submit a waiver request when:

- (a) The application contains all of the required information and documentation; and
- (b) The application meets all state and federal criteria; and
- (c) Foreign exchange physicians having a J-1 case number assigned by the United States department of state have paid all federal processing fees; and
- (d) The applicant has paid the state of Idaho application processing fee.

(2) Limitations of department actions.

- (a) Prior to submission of an application, the department may provide information to the applicant on preparing a complete application.
- (b) The department will not be responsible for adding any information to incomplete application packets.
- (c) For applicants who have benefitted benefited from department waiver requests previously, the applicant's history of compliance will be a consideration in future decisions for waiver requests.
- (d) In any single program year, a health care facility ~~in any one (1) area of underservice:~~

~~(i) Will not be allotted more than two (2) J-1 visa waiver request applications; and~~

~~(ii) Will not exceed by more than one and nine tenths (1.9) full-time equivalents, the number of J-1 physicians needed to eliminate the physician shortage as defined by the current de-designation threshold in any single program year per practice location.~~

- (e) The shortage area designation must be current on the date the United States department of state reviews and recommends the application and on the date the immigration agency approves the J-1 visa waiver and national interest waiver. Any application that is being submitted to the

department at the end of the three (3) year health professional shortage area designation cycle may be summarily denied if the renewal is not obtained.

(i) Participation by the department in the J-1 visa waiver program and in the national interest waiver program is completely discretionary and voluntary. The department may elect not to participate in the program at any time. The submission of a complete waiver application package does not ensure the department will recommend a waiver. The department reserves the right to recommend or decline any request for a waiver.

(ii) The department, its employees or agents are held harmless of any perceived consequence for the denial of a waiver petitioner, or the approved placement of one that is not favorable.

(iii) Application procedures for J-1 visa waiver physician placements were developed by the department in compliance with P.L. 103-416 and subsequent revisions. The procedures for the issuance of national interest waiver recommendations were developed by the department in compliance with 8 CFR sec. 214.12 and 8 CFR sec. 245 and subsequent revisions. These procedures are subject to updates and changes at any time. Interpretation of these procedures rests solely with the department in consultation with the appropriate federal agencies.

SECTION 4. That Section 39-6107, Idaho Code, be, and the same is hereby amended to read as follows:

39-6107. APPLIED PRINCIPLES. (1) Option of last resort. The J-1 visa waiver and national interest waiver programs are considered a final source for recruiting qualified physicians. These programs are not a substitute for broad recruiting efforts for graduates from United States medical schools, but an option of last resort. Any application that qualifies for consideration under any other interested government agency or federal program, such as the one administered by the department of health and human services, must be submitted under that program in lieu of the J-1 visa waiver program. The option of last resort principle does not apply to national interest waiver petitioning physicians for whom a J-1 visa waiver request was issued by the state of Idaho; in which case, physician retention is the objective if it is determined to be in the public interest.

(2) Waiver request applications will only be considered for health care facilities that can provide evidence of sustained active recruitment over a period of at least six (6) months for the ~~primary care~~ physician vacancy in the practice location. The six (6) month vacancy requirement does not apply to a national interest waiver petitioning physician for whom a J-1 visa waiver request was issued by the state of Idaho.

(3) The J-1 visa waiver program and national interest waiver program will be used to assist health care facilities that can document the provision of primary health care services to all residents of the federally determined area of underservice. When a federal designation is for an underserved population, the health care facility must document the provision of care to, and assure access by, the underserved population.

SECTION 5. That Section 39-6108, Idaho Code, be, and the same is hereby amended to read as follows:

39-6108. CRITERIA FOR APPLICANTS. (1) Applicants must be existing health care facilities that:

(a) Have an active taxpayer identification number in Idaho; and

(b) Have provided medical or mental health care in Idaho for a minimum of twelve (12) months prior to submitting the application, or meet the requirements for a new start as defined in this chapter.

(2) The waiver request to the department must come from a U.S. health care facility on behalf of the physician and not directly from the physician or his representative.

(3) J-1 visa waiver and national interest waiver petitioners with fellowship training must contract with employers to provide primary care services full time.

(4) Applicants must not be former J-1 visa waiver or national interest waiver physicians who are currently fulfilling their required three (3) or five (5) year obligation.

(5) Applicants may not submit waiver requests for a relative.

(6) Applicants must accept all patients regardless of their ability to pay.

(7) Except for state institutional and correctional facilities designated as federal shortage areas, the applicant must:

(a) Serve medicare clients, medicaid clients, low-income clients, uninsured clients, and the population of the a federal shortage designation.

(b) Agree to implement a sliding fee discount schedule. The schedule must be:

(i) Available in Spanish (where applicable) and English; and

(ii) Posted conspicuously; and

(iii) Distributed in hard copy on request to individuals making or keeping appointments with that physician.

(8) Applicants must have a signed employment contract with the physician, and guarantee wages for the duration of the contract.

(9) Applicants must cooperate in providing the department with clarifying information, verifying information already provided, or in any investigation of the applicant's financial status and payer mix.

(10) Applicants must first apply through any organization with federal or interested governmental agency authority which submits waiver requests for Idaho's underserved rural areas. Documentation which fully explains why this route was not taken for placement is required as part of the application.

(11) The physician's name and practice location will be made available to the public as a provider of ~~primary health~~ who accepts medicare, medicaid and utilizes a sliding fee schedule for the low-income population.

(12) An assurance letter that the health care facility, its principals, and the J-1 or national interest waiver petitioning physician are not under investigation for, under probation for, or under restriction for medicare or medicaid fraud, or other violations of law or licensure restrictions that may indicate that it may not be in the public interest that a waiver be granted, must be provided.

(13) The applicant and its principals must be free of default on any federal or state scholarship or loan repayment program such as the national health service corps or by the state.

SECTION 6. That Section 39-6109, Idaho Code, be, and the same is hereby amended to read as follows:

39-6109. CONTRACT REQUIREMENTS FOR J-1 VISA WAIVERS. Throughout the period of obligation, regardless of the petitioning physician's visa status, the employment contract must:

(1) Meet state and federal requirements;

(2) Not prevent the physician from providing medical services in the designated shortage area after the term of employment. A noncompetition clause or any provision that purports to limit the J-1 visa waiver physi-

cian's ability to remain in the area upon completion of the contract term is prohibited by regulation;

(3) State that the physician must serve medicare clients, medicaid clients, low-income clients, uninsured clients, and the population of the federal designation for the area of underservice full time;

(4) Include a notarized statement by the physician that he agrees to meet the requirements set forth in section 214(1) of the immigration and nationality act;

(5) Guarantee the physician a base salary of at least ninety-five percent (95%) of step II of the local prevailing wage for the field of practice in the area to be served;

(6) Specify that benefits offered are not included as part of base salary;

(7) Include leave (annual, sick, continuing medical education and holiday);

(8) State that amendments shall adhere to state and federal J-1 visa waiver requirements;

(9) Acknowledge that the contract may be terminated only with cause and cannot be terminated by mutual agreement until the statutorily required three (3) years of medical service have expired;

(10) Be assignable only by the employer to a successor with concurrence of the department;

(11) Include the practice site address, the days and hours of practice, field of medicine, and a statement that on-call and travel times are not included in the minimum hours;

(12) Include a statement that the employment will start within ninety (90) days after the waiver approval has been issued;

(13) Not commence until after the petitioning physician's J-1 waiver and appropriate work authorization are approved and his the residency program has been successfully completed. The contract shall affirm that no transfer or other modification regarding the duration of contract dates will be approved unless extenuating circumstances are shown to exist, as determined by the department and approved by the United States attorney general in accordance with applicable federal rules and regulations;

(134) Not be subject to changes which result in termination of contract, change in practice scope, or relocation from a site approved in the application. Any proposed changes must be presented in writing to the department for consideration and approval at least thirty (30) days prior to the proposed change. Moving or placement of a J-1 visa waiver physician to a location that was not approved by the department will result in the physician and applicant being in noncompliance with the program and will be reported as such to the immigration agency. It will also limit the applicant's future participation in the program;

(145) Be signed by both the J-1 visa waiver petitioning physician and the applicant employer, and the date it is signed must be clear.

SECTION 7. That Section 39-6110, Idaho Code, be, and the same is hereby amended to read as follows:

39-6110. CRITERIA FOR PROPOSED PRACTICE LOCATION. (1) The proposed practice location must be located in:

(a) A Be located in an area of underservice federally designated primary care health professional shortage area, by the secretary of health and human services; or

(b) A Serve patients who reside in an area of underservice federally designated mental health professional shortage area for psychiatrists; by the secretary of health and human services for flex waiver applications only

- ~~(c) An area having a federal designation as a medically underserved area or a medically underserved population;~~
- ~~(d) A physician scarcity area for placement consideration of national interest waiver petitioning physicians only; or~~
- ~~(e) A combination of federally designated areas.~~

(2) If a new practice location is planned, additional criteria apply.

New practice locations must:

- (a) Have the legal, financial, and organizational structure necessary to provide a stable practice environment, and must provide a business plan that supports this information;
- (b) Support a full-time physician practice;
- (c) Have written referral plans that describe how patients using the new primary practice care location will be connected to existing secondary and tertiary care if needed.

SECTION 8. That Section 39-6111, Idaho Code, be, and the same is hereby amended to read as follows:

39-6111. CRITERIA FOR THE J-1 PETITIONING PHYSICIAN. (1) The petitioning physician must not have a J-1 visa waiver pending for any other employment offer, and must provide a notarized statement testifying to this fact.

(2) The physician must have the qualifications described in recruitment efforts for a specific vacancy.

(3) Petitioning pPhysicians must:

- (a) Provide direct patient care full time; and
- (b) Be trained in:

- (i) Family medicine;
- (ii) Internal medicine;
- (iii) Pediatrics;
- (iv) Obstetrics and gynecology;
- (v) General surgery; ~~or~~
- (vi) Psychiatry and its subspecialties; or
- (vii) Other specialties licensed or eligible for licensure by the Idaho board of medicine, if there is a demonstrated need by the applicant organization.

(4) Physicians must apply and be eligible for an active Idaho medical license. The petitioning physician may be participating in an accredited residency program for this application, but must have successfully completed the third year of their residency training program for their employment contract to be activated. The petitioning physician must have an unrestricted license to practice in the state of Idaho and be board certified or eligible in his respective medical specialty at the commencement of employment. A copy of the acknowledgment of receipt form from the state board of medicine must be included in the waiver request.

(5) Physicians must have at least one (1) recommendation from their residency program that:

- (a) Addresses the physician's interpersonal and professional ability to effectively care for diverse and low-income persons in the United States;
- (b) Describes an ability to work well with supervisory and subordinate medical staff, and adapt to the culture of United States health care facilities;
- (c) Documents the level of specialty training, if any;
- (d) Is prepared on residency program letterhead and is signed by residency program staff or faculty; and
- (e) Includes name, title, relationship to physician, address, and telephone number of signatory.

(6) The petitioning physician must agree with all provisions of the employment contract as described in section 39-6109, Idaho Code. Other negotiable terms of the contract are between the petitioning physician and the hiring agency.

(7) The petitioning physician must:

- (a) Agree to work full time for no less than three (3) years in an area of underservice in the state of Idaho;
- (b) Provide health care to medicare and medicaid beneficiaries;
- (c) Post and implement a sliding fee discount schedule;
- (d) Serve the low-income population;
- (e) Serve the uninsured population; and
- (f) Serve the shortage designation population; or
- (g) Serve the population of a local, state, or federal governmental institution or corrections facility as an employee of the institution.

SECTION 9. That Chapter 61, 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 39-6111A, Idaho Code, and to read as follows:

39-6111A. FLEX WAIVERS FOR J-1 PETITIONING PHYSICIANS. The department will accept no more than ten (10) waiver applications six (6) months after the beginning of each federal fiscal year for petitioning J-1 visa waiver physicians to work in areas without a federal shortage area designation. The practice and petitioning physician must serve patients who reside in federally designated areas of underservice. The maximum number of flex applications may not exceed the total number of waiver slots available.

(1) The practice location must be located outside of a federally designated shortage area to apply for a flex waiver.

(2) The applicant organization and petitioning physician must meet all eligibility, application and reporting requirements with the exception of the practice location.

(3) The applicant organization must submit documentation demonstrating how the practice location and petitioning physician will serve patients who reside in federally designated areas of underservice.

(4) The maximum number of flex waiver applications available for specialists is limited to no more than five (5) per federal fiscal year.

(5) Flex waiver applications must demonstrate a need for the primary care or specialty petitioning physician.

SECTION 10. That Section 39-6111A, Idaho Code, be, and the same is hereby redesignated as Section 39-6111B, Idaho Code, and amended to read as follows:

39-6111AB. CRITERIA FOR THE NATIONAL INTEREST WAIVER PETITIONING PHYSICIAN. The national interest waiver petitioning physician must:

(1) (a) Provide direct patient care full time; and

(b) Be trained in:

- (i) Family medicine;
- (ii) Internal medicine;
- (iii) Pediatrics;
- (iv) Obstetrics and gynecology;
- (v) General surgery; or
- (vi) Psychiatry and its subspecialties.

(2) Apply and be eligible for an active Idaho medical license. The physician may be participating in an accredited residency program for this application, but must have successfully completed the third year of his residency training program for his employment contract to be activated. The physician must have an unrestricted license to practice in the state of Idaho and be board certified or eligible in his respective medical specialty at the

commencement of employment. A copy of the acknowledgment of receipt form from the state board of medicine must be included in the waiver request.

(3) Have at least one (1) recommendation from their residency program and one (1) from a previous employer, if applicable, that:

(a) Addresses the physician's interpersonal and professional ability to effectively care for diverse and low-income persons in the United States;

(b) Describes an ability to work well with supervisory and subordinate medical staff, and adapt to the culture of United States health care facilities;

(c) Documents the level of specialty training, if any;

(d) Is prepared on residency program letterhead or the employer's business letterhead and is signed by residency program staff or faculty; and

(e) Includes name, title, relationship to physician, address and phone number of signatory.

(4) Agree with all provisions of the employment contract as described in section 39-6109A, Idaho Code. Other negotiable terms of the contract are between the physician and the hiring agency.

(5) (a) Agree to work full time for no less than five (5) years in an area of underservice in the state of Idaho unless the physician qualifies for the three (3) year service provision under the applicable national interest waiver rules and regulations or the physician is transferring from another area of underservice;

(b) Provide health care to medicare and medicaid beneficiaries;

(c) Post and implement a sliding fee discount schedule;

(d) Serve the low-income population;

(e) Serve the uninsured population; and

(f) Serve the shortage designation population; or

(g) Serve the population of a local, state or federal governmental institution or corrections facility as an employee of the institution.

SECTION 11. That Section 39-6112, Idaho Code, be, and the same is hereby amended to read as follows:

39-6112. JOINT REPORTING REQUIREMENT UPON COMMENCEMENT OF PRACTICE. (1) Notification of waiver status and commencement of employment must be submitted to the department upon receipt of written notification of approval from the immigration agency. This notification must include the date the medical service obligation commences, and a copy of the notification of approval from the immigration agency.

(2) The waiver physician and the applicant must, on commencement of practice and annually thereafter or more frequently as determined by the department, and upon expiration of the physician's service obligation to the underserved area, verify the physician's practice site address and field of practice. Further, ~~for population-designated health professional shortage areas,~~ documentation that the population the physician was to serve was indeed served must be submitted. This will include the facility's payer mix, the number of patients seen by the physician, and the payer mix of those patients. When submitting the final report, the physician must indicate whether he intends to remain in the shortage area to practice.

(3) Sites receiving waiver approval must agree to report to the department on the status of the physician's activities at the beginning of the physician's employment and every year thereafter during the three (3) to five (5) year medical service obligation period. Failure to provide these reports within thirty (30) days of the annual anniversary date of approval of the J-1 visa or national interest waiver in an accurate manner or failure to demonstrate good faith in utilizing a physician's services in accordance with these policies will jeopardize future eligibility for placements and will be cause for reporting and referral to the United States department

of state and immigration agency. This referral could ultimately lead to deportation proceedings against the physician.

(4) Any amendments made to the required elements of the employment contract during the physician's medical service obligation must be reported to the department for review. The department will complete review and provide notice of approval or declination of such amendments within thirty (30) calendar days of receipt.

SECTION 12. That Section 39-6114, Idaho Code, be, and the same is hereby amended to read as follows:

39-6114. REQUIRED APPLICATION FORMS AND ACCOMPANYING DOCUMENTS FOR A J-1 VISA WAIVER REQUEST. (1) Applications for the J-1 visa waiver program must include, but not be limited to, the following:

(a) Evidence the applicant has no other mechanism through another process or interested government agency to apply for a J-1 visa waiver for the petitioning physician;

(b) Evidence of recruiting efforts over a minimum of six (6) months prior to when the physician applied for the vacancy; this must include regional and national electronic or print advertising stating the position available and the practice site location and ~~at least six (6) certified letters to medical schools to advertise the vacancy~~. Copies of advertisements submitted must show the publication date. Advertisements run at the time of or after preparation of the employment contract are unusable. Online advertisements must show dates the advertisements were online. Contracts with recruitment firms are allowable as evidence in lieu of electronic or print advertisements ~~or letters~~ if the activities described in this section are provided under contract. Recruitment firm contracts must be included if applicable;

(c) Evidence that the petitioning physician selected for the position visited the practice site;

(d) A mailing list of physicians who applied for the position and the reason they were not selected;

(e) Evidence that the applicant has been providing medical or mental health care in Idaho for at least twelve (12) months or meets the requirements for a new start as defined in this chapter. This includes, but may not be limited to, the Idaho taxpayer identification number, facility address, fax and telephone numbers, and staffing list;

(f) A copy of an employment contract between the petitioning physician and the applicant for no less than three (3) years;

(g) Evidence that the employment site is in a designated area of under-service;

(h) The request must be submitted by the applicant or applicant's representative. The letter must be written on the applicant's letterhead stationery, which includes address, telephone and fax numbers, if any. Letters, contracts and forms must contain original signatures;

(i) A copy of the sliding fee scale which the health care facility must agree to implement and post;

(j) A copy of the petitioning physician's license to practice medicine in the state of Idaho, or proof of the physician's eligibility to apply for an Idaho license;

(k) Legible copies of all IAP-66/DS 2019 forms (certificate of eligibility for exchange visitor status), covering every period the physician was in J-1 status, submitted in chronological order;

(l) Legible copies (front and back) of all I-94 entry and departure cards for the physician and family members;

(m) The petitioning physician's curriculum vitae;

(n) A statement of "no objection from the government" of the petitioning physician's country of nationality, if applicable. The

government of the country to which the petitioning physician is otherwise contractually obliged to return must furnish a letter to the director of the United States department of state with a statement in writing that there is no objection to such waiver in cases where the petitioning physician's medical education or training is funded by the government of the petitioning physician's home country. Whether or not there is foreign government funding can be determined from examining the physician's IAP-66 form. This letter must be in English and follow the procedures and format outlined in federal register volume 60, number 197, published October 12, 1995 (or subsequent revisions);

(o) Payment of the department's administrative application processing fee;

(p) Federal form G-28 or letterhead from the law office, if the physician is being represented by an attorney, with telephone and fax numbers, and a contact name and address;

(q) A copy of the United States department of state issued instruction sheet with case number.

(2) The state may require any other documentation or information for the support and approval process in the waiver application on the part of the petitioning physician or the applicant.

(3) These requirements are subject to change without notice.

(4) J-1 visa waiver program application forms and instructions are available and may be requested from the department.

(5) The petitioning physician's case number must appear on each page. The case number is assigned by the United States department of state.

(6) All required information and documentation must be submitted in a single package with all documents presented per instructions that will be provided by the department upon request. One (1) single-sided, unbound original and one (1) single-sided, unbound copy must be included. Waiver requests that do not comply with these requirements and the instructions provided by the department will not be considered.

SECTION 13. That Section 39-6114A, Idaho Code, be, and the same is hereby amended to read as follows:

39-6114A. REQUIRED APPLICATION FORMS AND DOCUMENTS FOR A NATIONAL INTEREST WAIVER REQUEST. (1) Applications for the national interest waiver program must include, but not be limited to, the following:

(a) Evidence of recruiting efforts over a minimum of six (6) months prior to when the petitioning physician applied for the vacancy. This evidence must include regional and national electronic or print advertising stating the position available and the practice site location and ~~at least six (6) certified letters to medical schools to advertise the vacancy.~~ Copies of advertisements submitted must show the publication date. Advertisements run at the time of or after preparation of the employment contract are unusable. Online advertisements must show dates the advertisements were online. Contracts with recruitment firms are allowable as evidence in lieu of electronic or print advertisements ~~or letters~~ if the activities described in this paragraph are provided under contract. Recruitment firm contracts must be included, if applicable. The provision of evidence for recruitment efforts over a six (6) month period is not necessary for national interest waiver petitioning physicians who receive a J-1 visa waiver at the request of the state of Idaho;

(b) Evidence that the physician selected for the position visited the practice site;

(c) A mailing list of physicians who applied for the position and the reason they were not selected;

- (d) Evidence that the applicant has been providing medical or mental health care in Idaho for at least twelve (12) months or meets the requirements for a new start as defined in section 39-6105, Idaho Code. This includes, but may not be limited to, the Idaho taxpayer identification number, facility address, fax and telephone numbers and staffing list;
- (e) A copy of an employment contract between the physician and the applicant;
- (f) Evidence that the employment site is in a federally determined area of underservice;
- (g) The request must be submitted by the applicant or applicant's representative. The letter must be written on the applicant's letterhead stationery, which includes address, telephone and fax numbers, if any. Letters, contracts and forms must contain original signatures;
- (h) A copy of the sliding fee scale which the health care facility must agree to implement and post;
- (i) A copy of the physician's license to practice medicine in the state of Idaho, or eligibility to apply for an Idaho license;
- (j) Legible copies of any DS 2019 forms (formerly IAP-66), and other United States immigration documentation attesting to the physician's current legal status and history of stay in the United States;
- (k) The physician's curriculum vitae; and
- (1) Payment of the department's administrative application processing fee.
- (2) The state of Idaho may require any other documentation or information for the support and approval process in the waiver application on the part of the physician or the applicant.
- (3) These requirements are subject to change without notice.

SECTION 14. That Section 39-6115, Idaho Code, be, and the same is hereby amended to read as follows:

39-6115. CRITERIA APPLIED TO FEDERALLY DESIGNATED FACILITIES. Local, state, or federal institutions which offer primary health care services and are federally designated as a shortage facility accompanied by a health professional shortage area score may submit an application. Physician services may be limited to the population of the institution. All other state and federal requirements must be met.

SECTION 15. That Section 39-6116, Idaho Code, be, and the same is hereby amended to read as follows:

39-6116. DEPARTMENT REVIEW AND ACTION. (1) The department will review applications for completeness in date order received.

(2) Applications submitted for petitioning physicians with language skills appropriate to the community they wish to serve will be given priority.

(3) Selection preference will be given to applications received from HPSAs health professional shortage areas having the greatest unmet need for primary-care physicians.

(4) Applications must be mailed, sent by commercial carrier, or delivered in person. Applications may not be sent electronically. The department is not responsible for applications or related materials lost in the mail.

(5) The department may limit the time period during which applications may be submitted including refusing to process applications after the department has submitted requests for all applications allowed in a given federal fiscal year.

(6) In the event an applicant for a J-1 visa waiver or a national interest waiver submits an application to the department, the department will

acknowledge receipt of the copy of the application within five (5) business days of receipt.

(7) The department will review applications within ~~fifteen~~ thirty (15 30) working days of receipt of the application to determine if the application is complete, and provide a written explanation of missing items.

(8) An additional fee will not be charged for incomplete applications if the missing items are provided within thirty (30) calendar days of the date on the letter of explanation from the department. If new information is not received within this time frame, the application will be returned to the applicant. The application fee will not be returned.

(9) The department will return applications and application fees to applicants having had two (2) approved J-1 visa waiver requests in the current federal fiscal year for the shortage area, ~~applications received that exceed the de-designation threshold limit, and~~ or applications received after thirty (30) placements have been recommended.

(10) The department will review complete applications against the criteria specified in this chapter.

(11) The department may:

- (a) Request additional clarifying information;
- (b) Verify information presented;
- (c) Investigate the financial status of the applicant;
- (d) Request verification of the health care facility's payer mix for the previous twelve (12) to eighteen (18) months; and
- (e) Return the application as incomplete if the applicant does not supply the requested clarifying information in its entirety within thirty (30) days of request. The application fee is nonrefundable. Incomplete applications must be resubmitted with the application fee. Resubmitted applications will be considered new applications and will be reviewed in date order received.

(12) The department may request the director of the United States department of state to recommend that the immigration agency grant the J-1 visa waiver.

(13) The department may provide a letter of attestation to the immigration agency that the physician's work in Idaho is in the public interest for a national interest waiver.

(14) The department will notify the applicant in writing of action taken by the department. If the decision is to decline the J-1 visa waiver or national interest waiver request, the department will provide an explanation of how the application failed to meet the stated criterion or criteria. The application fee is nonrefundable.

(15) The department may deny a J-1 visa waiver or national interest waiver request or, prior to United States department of state or immigration agency approval, may withdraw a J-1 visa waiver or national interest waiver recommendation for cause, which shall include the following:

- (a) The application is not consistent with state or federal criteria;
- (b) Fraud;
- (c) Misrepresentation;
- (d) False statements;
- (e) Misleading statements;
- (f) Evasion or suppression of material facts in the J-1 visa waiver or national interest waiver application or in any of its required documentation and supporting materials;
- (g) Incomplete or insufficient information;
- (h) Allowable number of recommendations for the area facility or year has been met.

(16) Applications denied may be resubmitted with concerns addressed, with the application fee. Resubmitted applications will be considered new applications and will be reviewed in date order received.

(17) The department retains the authority to audit, monitor and conduct unannounced site visits.

SECTION 16. That Section 39-6117, Idaho Code, be, and the same is hereby amended to read as follows:

39-6117. ELIGIBILITY FOR FUTURE PARTICIPATION. Health care facilities may be denied future participation in the J-1 visa waiver program or national interest waiver program if:

(1) The required annual reports are not submitted in a complete and timely manner;

(2) A waiver physician does not serve the designated shortage area or shortage population approved at the time of placement for the full three (3) to five (5) years of employment. This does not apply only if the approved site is in a designated health professional shortage area that loses its designation after the waiver physician begins employment;

(3) A waiver physician does not remain employed by the applicant for the full three (3) to five (5) years of employment;

(4) The applicant or waiver physician is not in compliance with the terms defined in this chapter or any federal requirements.

SECTION 17. That Section 39-6118, Idaho Code, be, and the same is hereby amended to read as follows:

39-6118. DEPARTMENT RESPONSIBILITY TO REPORT. The department shall report to the United States department of state and the immigration agency if the applicant or waiver physician is determined to be out of compliance with any of the provisions of this chapter or if the waiver physician is determined to have left employment in the federally designated area.

SECTION 18. 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 20, 2017

CHAPTER 73
(H.B. No. 92)

AN ACT

RELATING TO WINE; AMENDING SECTION 23-1303, IDAHO CODE, TO REVISE A DEFINITION; AMENDING SECTION 23-1307, IDAHO CODE, TO REVISE CERTAIN WINE LICENSE REQUIREMENTS ASSOCIATED WITH RETAIL BEER LICENSES; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 23-1303, Idaho Code, be, and the same is hereby amended to read as follows:

23-1303. DEFINITIONS. (1) The following terms as used in this chapter are hereby defined as follows:

(a) "Dessert wine" means only those beverages wines that are designated or labeled, pursuant to the federal alcohol administration act, as "sherry," "madeira" or "port," which contain more than sixteen percent (16%) alcohol by volume, but do not exceed twenty-one percent (21%) alcohol by volume. Dessert wine as defined herein shall not be

deemed to be a spirit based beverage for the purposes of paragraph (g) of this subsection.

(b) "Director" means the director of the Idaho state police.

(c) "Distributor" means a person to whom a wine distributor's license has been issued.

(d) "Domestic produced product" means wine at least seventy-five percent (75%) of which by volume is derived from fruit or agricultural products grown in Idaho.

(e) "Importer" means a person to whom a wine importer's license has been issued.

(f) "Live performance" means a performance occurring in a theater and not otherwise in violation of any provision of Idaho law.

(g) "Low proof spirit beverages" means any alcoholic beverage containing not more than fourteen percent (14%) alcohol by volume obtained by distillation mixed with drinkable water, fruit juices and/or other ingredients in solution. These products shall be considered and taxed as wine. Spirit based beverages exceeding fourteen percent (14%) alcohol by volume shall be considered as liquor and sold only through the division system.

(h) "Person" includes an individual, firm, copartnership, association, corporation, or any group or combination acting as a unit, and includes the plural as well as the singular unless the intent to give a more limited meaning is disclosed by the context in which it is used.

(i) "Retailer" means a person to whom a retail wine license has been issued.

(j) "Retail wine license" means a license issued by the director, authorizing a person to sell table wine and/or dessert wine at retail for consumption off the licensed premises.

(k) "Table wine" shall mean any alcoholic beverage containing not more than sixteen percent (16%) alcohol by volume obtained by the fermentation of the natural sugar content of fruits or other agricultural products containing sugar whether or not other ingredients are added.

(l) "Theater" means a room, place or outside structure for performances or readings of dramatic literature, plays or dramatic representations of an art form not in violation of any provision of Idaho law.

(m) "Vintner" means a person who manufactures, bottles, or sells table wine or dessert wine to importers for resale within this state other than a licensed "winery" as herein defined.

(n) "Wine" includes table wine and dessert wine, unless the context requires otherwise.

(o) "Wine by the drink license" means a license to sell table wine or dessert wine by the individual glass or opened bottle at retail, for consumption on the premises only.

(p) "Wine distributor's license" means a license issued by the director to a person authorizing such person to distribute table wine or dessert wine to retailers within the state of Idaho.

(q) "Wine importer's license" means a license issued by the director to a person authorizing such person to import table wine or dessert wine into the state of Idaho and to sell and distribute such wines to a distributor.

(r) "Winery" means a place, premises or establishment within the state of Idaho for the manufacture or bottling of table wine or dessert wine for sale. Two (2) or more wineries may use the same premises and the same equipment to manufacture their respective wines, to the extent permitted by federal law.

(s) "Winery license" means a license issued by the director authorizing a person to maintain a winery.

(2) All other words and phrases used in this chapter, the definitions of which are not herein given, shall be given their ordinary and commonly understood and accepted meanings.

SECTION 2. That Section 23-1307, Idaho Code, be, and the same is hereby amended to read as follows:

23-1307. QUALIFICATIONS FOR RETAIL WINE LICENSE, WINE BY THE DRINK LICENSE, AND DISTRIBUTOR'S LICENSE. (1) No retail wine license, wine by the drink license, or wine distributor's license shall be issued to an applicant who at the time of making the application:

(a) If a corporation, has not qualified as required by law to do business in the state of Idaho;

(b) Has had a wine distributor's license, retail wine license, wine by the drink license, or wine importer's license revoked by the director within three (3) years from the date of making such application;

(c) Has been convicted of a violation of the laws of this state or of the United States governing the sale of alcoholic beverages, wine, or beer, within three (3) years from the date of making such application;

(d) Has been convicted of a felony or been granted a withheld judgment following an adjudication of guilt of a felony within five (5) years from the date of making such application;

(e) If an individual or partnership, either the individual or at least one (1) of the partners of a partnership is not nineteen (19) years of age or older.

~~(f) If the application is for a retail wine license or wine by the drink license, the director finds that the applicant does not possess a retail beer license issued by the director, except that~~

(2) Licensed wineries shall not be required to possess a retail beer license as a prerequisite to a separate retail wine license or wine by the drink license for sales to sell wine on the winery's original licensed premises or at locations other than the winery's original licensed premises.

(23) To determine qualification for a license, the director shall also cause an investigation which 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 for such person with the application.

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 20, 2017

CHAPTER 74
(H.B. No. 96)

AN ACT

RELATING TO THE BEAR RIVER COMMISSION; AMENDING SECTION 42-3301, IDAHO CODE, TO PROVIDE FOR ALTERNATE COMMISSIONERS, TO REVISE VERBIAGE, TO MAKE A CODIFIER'S CORRECTION AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 42-3303, IDAHO CODE, TO PROVIDE FOR THE AUTHORITY OF ALTERNATE COMMISSIONERS IN THE ABSENCE OF APPOINTED COMMISSIONERS.

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

SECTION 1. That Section 42-3301, Idaho Code, be, and the same is hereby amended to read as follows:

42-3301. APPOINTMENT OF MEMBERS OF COMMISSION TO SERVE ON JOINT COMMISSION RELATING TO WATERS OF BEAR RIVER. The governor of the state of Idaho is hereby authorized to appoint a commission consisting of three (3) members commissioners, of which the director of the department of water resources may be one (1), and up to two (2) alternate commissioners, to represent the state of Idaho on a joint commission to be composed of commissioners representing the states of Wyoming, Utah, and Idaho, and a commissioner that may be appointed to represent the United States of America, to be constituted by said states for the purpose of negotiating and entering into a compact or compacts, agreement or agreements, between the said states, with consent of congress, respecting the lawful diversion, distribution, and the further utilization and disposition of the waters of Bear River, and all streams tributary thereto, with due regard to the priority rule controlling the use of water, and fixing and determining a method of regulation, administration and control of the waters of said river; provided, however, that any compact or agreement so entered into on behalf of said states shall not be binding or obligatory upon either of said states or citizens thereof until and unless the same shall have been ratified and approved by the legislatures of the said three (3) states and by the congress of the United States.

SECTION 2. That Section 42-3303, Idaho Code, be, and the same is hereby amended to read as follows:

42-3303. AUTHORITY AND DUTIES OF COMMISSIONERS. Said commissioners, or alternate commissioners in the absence of appointed commissioners, for the state of Idaho shall have authority to make full investigations of Bear River and its tributaries and the drainage area thereof, as may be necessary in order to determine the facts as to physical conditions obtaining upon said river, and of the present and future needs of the state of Idaho and its citizens, to the proper use and benefits of the waters of said stream and to perform such other duties as may be necessary to sufficiently determine such facts and to secure the necessary information in order that they may properly perform their duties as commissioners of the state of Idaho upon said joint commission.

Approved March 20, 2017

CHAPTER 75
(H.B. No. 100)

AN ACT

RELATING TO INSURANCE; AMENDING TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 63, TITLE 41, IDAHO CODE, TO PROVIDE PURPOSE AND SCOPE, TO DEFINE TERMS, TO PROVIDE THAT INSURERS MAINTAIN A RISK MANAGEMENT FRAMEWORK, TO PROVIDE THAT INSURERS AND INSURANCE GROUPS SHALL CONDUCT AN OWN RISK AND SOLVENCY ASSESSMENT SUBJECT TO CERTAIN REQUIREMENTS, TO PROVIDE FOR AN OWN RISK AND SOLVENCY ASSESSMENT SUMMARY REPORT, TO PROVIDE AN EXEMPTION, TO PROVIDE FOR THE CONTENTS OF A SUMMARY REPORT AND TO PROVIDE THAT CERTAIN DOCUMENTS, MATERIALS AND OTHER INFORMATION ARE CONFIDENTIAL; AMENDING SECTION 41-3434, IDAHO CODE, TO CORRECT A CODE REFERENCE, TO PROVIDE A CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 74-107, IDAHO CODE, TO EXEMPT CERTAIN RECORDS FROM DISCLOSURE AND TO MAKE CODIFIER'S CORRECTIONS; AND PROVIDING SEVERABILITY.

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

SECTION 1. That Title 41, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 63, Title 41, Idaho Code, and to read as follows:

CHAPTER 63
OWN RISK AND SOLVENCY ASSESSMENT

41-6301. PURPOSE AND SCOPE. (1) The purpose of this chapter is to provide the requirements for maintaining a risk management framework and completing an own risk and solvency assessment (ORSA) and provide guidance and instructions for filing an ORSA summary report with the director of the state department of insurance.

(2) The requirements of this chapter shall apply to all insurers domiciled in this state unless exempt pursuant to section 41-6306, Idaho Code.

(3) The legislature finds and declares that the ORSA summary report will contain confidential and sensitive information related to an insurer's or an insurance group's identification of risks material and relevant to the insurer or insurance group filing the report. This information will include proprietary and trade secret information that has the potential for harm and competitive disadvantage to the insurer or insurance group if the information is made public. It is the intent of the legislature that the ORSA summary report shall be a confidential document filed with the director, that the ORSA summary report will be shared only as stated herein and to assist in the performance of the director's duties, and that in no event shall the ORSA summary report be subject to public disclosure.

41-6302. DEFINITIONS. For purposes of this chapter:

(1) "Department" means the state department of insurance.

(2) "Director" means the director of the state department of insurance.

(3) "Insurance group" means, for the purpose of conducting an ORSA, those insurers and affiliates included within an insurance holding company system as defined in section 41-3802, Idaho Code.

(4) "Insurer" has the same meaning as set forth in section 41-103, Idaho Code, and shall not include agencies, authorities or instrumentalities of the United States, its possessions and territories, the commonwealth of Puerto Rico, the District of Columbia, or a state or political subdivision of a state. For purposes of this chapter, the term "insurer" includes, but is not limited to:

- (a) An entity holding a certificate of authority under chapter 3, title 41, Idaho Code;
- (b) A service corporation holding a certificate of authority under chapter 34, title 41, Idaho Code;
- (c) A managed care organization holding a certificate of authority under chapter 39, title 41, Idaho Code; and
- (d) The state insurance fund created under chapter 9, title 72, Idaho Code.

(5) "Own risk and solvency assessment" or "ORSA" means a confidential internal assessment, appropriate to the nature, scale and complexity of an insurer or insurance group, conducted by that insurer or insurance group of the material and relevant risks associated with the insurer's or the insurance group's current business plan, and the sufficiency of capital resources to support those risks.

(6) "ORSA guidance manual" means the current version of the own risk and solvency assessment guidance manual developed and adopted by the national association of insurance commissioners (NAIC) and as amended from time to time and utilizing the version of the manual adopted by the director by rule, administrative order or bulletin.

(7) "ORSA summary report" means a confidential high-level summary of an insurer's or an insurance group's ORSA.

41-6303. RISK MANAGEMENT FRAMEWORK. An insurer shall maintain a risk management framework to assist the insurer with identifying, assessing, monitoring, managing and reporting on its material and relevant risks. This requirement may be satisfied if the insurance group of which the insurer is a member maintains a risk management framework applicable to the operations of the insurer.

41-6304. ORSA REQUIREMENT. Subject to section 41-6306, Idaho Code, an insurer, or the insurance group of which the insurer is a member, shall regularly conduct an ORSA consistent with a process comparable to the ORSA guidance manual. The ORSA shall be conducted no less than annually but also at any time when there are significant changes to the risk profile of the insurer or the insurance group of which the insurer is a member.

41-6305. ORSA SUMMARY REPORT. (1) Upon the director's request, and no more than once each year, an insurer shall submit to the director an ORSA summary report or any combination of reports that together contain the information described in the ORSA guidance manual, applicable to the insurer and/or the insurance group of which the insurer is a member. If the insurer is a member of an insurance group, the insurer shall submit the report(s) required by this subsection if the director is the lead state director of the insurance group as determined by the procedures within the financial analysis handbook adopted by the NAIC and as adopted by the director by rule, administrative order or bulletin.

(2) The report(s) shall include a signature of the insurer's or the insurance group's chief risk officer or other executive having responsibility for the oversight of the insurer's enterprise risk management process attesting to the best of the officer's or executive's belief and knowledge that the insurer applies the enterprise risk management process described in the ORSA summary report and that a copy of the report has been provided to the insurer's board of directors or the appropriate committee thereof.

(3) An insurer may comply with subsection (1) of this section by providing the most recent and substantially similar report(s) provided by the insurer or another member of an insurance group of which the insurer is a member to the director or commissioner of another state or to a supervisor or regulator of a foreign jurisdiction if that report provides information that is comparable to the information described in the ORSA guidance manual. Any

such report in a language other than English must be accompanied by a translation of that report into the English language.

41-6306. EXEMPTION. (1) An insurer shall be exempt from the requirements of this chapter if:

(a) The insurer has an annual direct written and unaffiliated assumed premium, including international direct and assumed premium, but excluding premiums reinsured with the federal crop insurance corporation and federal flood program, less than five hundred million dollars (\$500,000,000); and

(b) The insurance group of which the insurer is a member has an annual direct written and unaffiliated assumed premium, including international direct and assumed premium, but excluding premiums reinsured with the federal crop insurance corporation and federal flood program, less than one billion dollars (\$1,000,000,000).

(2) If an insurer qualifies for exemption pursuant to subsection (1) (a) of this section, but the insurance group of which the insurer is a member does not qualify for exemption pursuant to subsection (1) (b) of this section, then the ORSA summary report that may be required pursuant to section 41-6305, Idaho Code, shall include every insurer within the insurance group. This requirement may be satisfied by the submission of more than one (1) ORSA summary report for any combination of insurers, provided any combination of reports includes every insurer within the insurance group.

(3) If an insurer does not qualify for exemption pursuant to subsection (1) (a) of this section, but the insurance group of which the insurer is a member qualifies for exemption pursuant to subsection (1) (b) of this section, then the only ORSA summary report that may be required pursuant to section 41-6305, Idaho Code, shall be the report applicable to that insurer.

(4) An insurer that does not qualify for exemption pursuant to subsection (1) of this section may apply to the director for a waiver from the requirements of this chapter based upon unique circumstances. In deciding whether to grant the insurer's request for a waiver, the director may consider the type and volume of business written, ownership and organizational structure, and any other factor the director considers relevant to the insurer or insurance group of which the insurer is a member. If the insurer is part of an insurance group with insurers domiciled in more than one (1) state, the director shall coordinate with the lead state director or commissioner and with the other domiciliary commissioners in considering whether to grant the insurer's request for a waiver.

(5) Notwithstanding the exemptions stated in this section:

(a) The director may require that an insurer maintain a risk management framework, conduct an ORSA and file an ORSA summary report based on unique circumstances including, but not limited to, the type and volume of business written, ownership and organizational structure, federal agency requests and international supervisor requests.

(b) The director may require that an insurer maintain a risk management framework, conduct an ORSA and file an ORSA summary report if the insurer has risk-based capital for company action level event as set forth in section 41-5403, Idaho Code, meets one (1) or more of the standards of an insurer deemed to be in hazardous financial condition as defined in IDAPA 18.01.66, "director's authority for companies deemed to be in hazardous financial condition," or otherwise exhibits qualities of a troubled insurer as determined by the director.

(6) If an insurer that qualifies for an exemption pursuant to subsection (1) of this section subsequently no longer qualifies for that exemption due to changes in premium, as reflected in the insurer's most recent annual statement or in the most recent annual statements of the insurers within the insurance group of which the insurer is a member, the insurer shall have one

(1) year following the year the threshold is exceeded to comply with the requirements of this chapter.

41-6307. CONTENTS OF ORSA SUMMARY REPORT. (1) The ORSA summary report shall be prepared consistent with the ORSA guidance manual, subject to the requirements of subsection (2) of this section. Documentation and supporting information shall be maintained and made available upon examination or upon request of the director.

(2) The review of the ORSA summary report, and any additional requests for information, shall be made using similar procedures currently used in the analysis and examination of multistate or global insurers and insurance groups.

41-6308. CONFIDENTIALITY. (1) Documents, materials or other information, including the ORSA summary report, in the possession of or control of the department that are obtained by, created by or disclosed to the director or any other person under this chapter are recognized by this state as being proprietary and to contain trade secrets. All such documents, materials or other information shall be confidential by law and privileged, shall not be subject to disclosure pursuant to the public records act, chapter 1, title 74, Idaho Code, shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action. However, the director is authorized to use the documents, materials or other information in the furtherance of any regulatory or legal action brought as a part of the director's official duties. The director shall not otherwise make the documents, materials or other information public without the prior written consent of the insurer.

(2) Neither the director nor any person who received documents, materials or other ORSA-related information, through examination or otherwise, while acting under the authority of the director, or with whom such documents, materials or other information are shared pursuant to this chapter, shall be permitted or required to testify in any private civil action concerning any confidential documents, materials or information subject to subsection (1) of this section.

(3) In order to assist in the performance of the director's regulatory duties, the director:

(a) May, upon request, share documents, materials or other ORSA-related information, including the confidential and privileged documents, subject to subsection (1) of this section, with other state, federal and international financial regulatory agencies, including members of any supervisory college as defined in section 41-3815, Idaho Code, with the NAIC and with any third-party consultants designated by the director, provided that the recipient agrees in writing to maintain the confidentiality and privileged status of the ORSA-related documents, materials or other information and has verified in writing the legal authority to maintain confidentiality.

(b) May receive documents, materials or other ORSA-related information, including otherwise confidential and privileged documents, materials or information, including proprietary and trade-secret information or documents, from regulatory officials of other foreign or domestic jurisdictions, including members of any supervisory college as defined in section 41-3815, Idaho Code, and from the NAIC, and shall maintain as confidential or privileged any documents, materials or information received with notice or the understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the document, material or information.

(c) Shall enter into a written agreement with the NAIC or a third-party consultant governing sharing and use of information provided pursuant

to this chapter, consistent with paragraphs (a) and (b) of this subsection, that shall:

- (i) Specify procedures and protocols regarding the confidentiality and security of information shared with the NAIC or a third-party consultant pursuant to this chapter, including procedures and protocols for sharing by the NAIC with other state regulators from states in which the insurance group has domiciled insurers. The agreement shall provide that the recipient agrees in writing to maintain the confidentiality and privileged status of the ORSA-related documents, materials or other information and has verified in writing the legal authority to maintain confidentiality;
- (ii) Specify that ownership of information shared with the NAIC or a third-party consultant pursuant to this chapter remains with the director and the NAIC's or a third-party consultant's use of the information is subject to the direction of the director;
- (iii) Prohibit the NAIC or third-party consultant from storing the information shared pursuant to this chapter in a permanent database after the underlying analysis is completed;
- (iv) Require prompt notice to be given to an insurer whose confidential information in the possession of the NAIC or a third-party consultant pursuant to this chapter is subject to a request or subpoena to the NAIC or a third-party consultant for disclosure or production;
- (v) Require the NAIC or a third-party consultant to consent to intervention by an insurer in any judicial or administrative action in which the NAIC or a third-party consultant may be required to disclose confidential information about the insurer shared with the NAIC or a third-party consultant pursuant to this chapter; and
- (vi) In the case of an agreement involving a third-party consultant, provide for the insurer's written consent.

(4) The sharing of information and documents by the director pursuant to this chapter shall not constitute a delegation of regulatory authority or rulemaking, and the director is solely responsible for the administration, execution and enforcement of the provisions of this chapter.

(5) No waiver of any applicable privilege or claim of confidentiality in the documents, proprietary and trade-secret materials or other ORSA-related information shall occur as a result of disclosure of such ORSA-related information or documents to the director under this section or as a result of sharing as authorized in this chapter.

(6) Documents, materials or other information in the possession or control of the NAIC or third-party consultants pursuant to this chapter shall be confidential by law and privileged, shall not be subject to the public records act, chapter 1, title 74, Idaho Code, shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action.

SECTION 2. That Section 41-3434, Idaho Code, be, and the same is hereby amended to read as follows:

41-3434. OTHER PROVISIONS APPLICABLE. In addition to those contained or referred to heretofore in this chapter, the following chapters and provisions of ~~this code~~ title 41, Idaho Code, shall also apply with respect to service corporations to the extent applicable and not in conflict with the express provisions of this chapter and the reasonable implications of such express provisions, and for the purposes of such application such corporations shall be deemed to be mutual "insurers":

- (1) Chapter 1 (scope of code);
- (2) Chapter 2 (the director of insurance);

- (3) Section 41-308(2) (general eligibility for certificate of authority -- competence, affiliations of management);
- (4) Sections 41-345 through 41-347 (disclosure of material transactions);
- (5) Section 41-601 ("assets" defined);
- (6) Section 41-603 (assets not allowed);
- (7) Section 41-604 (disallowance of "wash" transactions);
- (8) Section 41-613 (valuation of bonds);
- (9) Section 41-731 (prohibited investments and investment underwriting);
- (10) Chapter 13 (trade practices and frauds);
- (11) Section 41-2840 (vouchers for expenditures);
- (12) Section 41-2841 (borrowed surplus);
- (13) Sections 41-2857 (mergers and consolidations, mutual insurers), 41-2858 (bulk reinsurance, mutual insurers), and 41-2859 (mutual member's share of assets on liquidation);
- (14) Chapter 33 (supervision, rehabilitation and liquidation);
- (15) Sections 799 to 809 of chapter 330 of Session Laws of 1961 (transitory provisions);
- (16) Section 41-2106(3) (health history application for disability insurance);
- (17) Section 41-2141 (coordination of benefits -- coordination with social security benefits);
- (18) Section 41-1839 (attorney's fees);
- (19) Chapter 46 (long-term care insurance);
- (20) Section 41-1844 (prescription drug benefit restrictions prohibited);
- (21) Section 41-2216 (coordination of benefits -- coordination with social security benefits); and
- (22) Chapter 54 (risk-based capital); and
- (23) Chapter 63 (own risk and solvency assessment).

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

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

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

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

(b) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

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

(3) Records relating to the appraisal of real property, timber or mineral rights prior to its acquisition, sale or lease by a public agency or independent public body corporate and politic.

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

(5) Examination, operating or condition reports and all documents relating thereto, prepared by or supplied to any public agency or independent public body corporate and politic responsible for the regulation or supervision of financial institutions including, but not limited to, banks, savings and loan associations, regulated lenders, business and industrial development corporations, credit unions, and insurance companies, or for the regulation or supervision of the issuance of securities.

(6) Records gathered by a local agency or the Idaho department of commerce, as described in chapter 47, title 67, Idaho Code, for the specific purpose of assisting a person to locate, maintain, invest in, or expand business operations in the state of Idaho.

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

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

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

(10) Information obtained from books, records and accounts required in chapter 47, title 22, Idaho Code, to be maintained by the Idaho oilseed commission and pertaining to the individual production records of oilseed growers.

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

erwise available to any public agency or independent public body corporate and politic.

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

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

(14) Voluntarily prepared environmental audits, and voluntary disclosures of information submitted on or before December 31, 1997, to an environmental agency, which are claimed to be confidential business information.

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

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

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

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

(16) Active investigative records and trademark usage audits of the Idaho potato commission specifically relating to the enforcement of chapter 12, title 22, Idaho Code, until the commencement of formal proceedings as provided by rules of the commission; purchase and sales information submitted to the Idaho potato commission during a trademark usage audit, and investigation or enforcement proceedings. Inactive investigatory records shall be disclosed unless the disclosure would violate the standards set forth in subsection (1) (a) through (f) of section 74-124, Idaho Code. Nothing in this subsection shall limit the use which can be made, or availability of such information if used, for regulatory purposes or its admissibility in any enforcement proceeding.

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

(a) Records otherwise deemed to be public records not exempt from disclosure pursuant to this chapter; and

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

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

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

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

(21) Records, data, information and materials collected or utilized during the course of academic research at public institutions of higher

education provided by any person or entity other than the public institution of higher education or a public agency.

(22) The exemptions from disclosure provided in subsections (20) and (21) of this section shall apply only until the academic research is publicly released, copyrighted or patented, or until the academic research is completed or terminated. At such time, the records, data, information, and materials shall be subject to public disclosure unless: (a) another exemption in this chapter applies; (b) such information was provided to the institution subject to a written agreement of confidentiality; or (c) public disclosure would pose a danger to persons or property.

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

(24) Records of a county assessor, the state tax commission, a county board of equalization or the state board of tax appeals containing the following information: (i) lists of personal property required to be filed pursuant to section 63-302, Idaho Code, and operating statements required to be filed pursuant to section 63-404, Idaho Code, and (ii) confidential commercial or financial information including trade secrets. Except with respect to lists of personal property required to be filed pursuant to section 63-302, Idaho Code, and the operator statements required to be filed pursuant to section 63-404, Idaho Code, it shall be the responsibility of the taxpayer to give notice of its claim to exemption by stamping or marking each page or the first page of each portion of documents so claimed. No records that are exempt pursuant to this subsection shall be disclosed without the consent of the taxpayer except as follows:

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

(b) In the publication of statistics or reports as long as the statistics or reports do not reasonably lead to the identification of the specific taxpayer or information submitted by taxpayers exempt pursuant to this subsection.

(c) To the board of tax appeals or the district court as evidence or otherwise in connection with an appeal of the taxpayer's property tax assessment, but only if the board or the court, as applicable, has entered a protective order specifying that the taxpayer information may not be disclosed by any person conducting or participating in the action or proceeding, except as authorized by the board or the court in accordance with applicable law.

(d) Nothing in this subsection shall prevent disclosure of the following information:

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

(25) Results of laboratory tests which have no known adverse impacts to human health conducted by the Idaho state department of agriculture animal health laboratory, related to diagnosis of animal diseases of individual animals or herds, on samples submitted by veterinarians or animal owners unless:

(a) The laboratory test results indicate the presence of a state or federally reportable or regulated disease in animals;

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

(c) The test result is identified as representing a threat to animal or human health or to the livestock industry by the Idaho state department of agriculture or the United States department of agriculture. Nothing in this subsection shall limit the use which can be made, or availability of such information if used, for regulatory purposes or its admissibility in any enforcement proceeding, or the duty of any person to report contagious or infectious diseases as required by state or federal law.

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

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

(28) Individual financial statements of a postsecondary educational institution or a proprietary school submitted to the state board of education, its director or a representative thereof, for the purpose of registering the postsecondary educational institution or proprietary school pursuant to section 33-2402 or 33-2403, Idaho Code, or provided pursuant to an administrative rule of the board adopted pursuant to such sections.

(29) Information submitted to by insurance companies pursuant to section 421-612(17), Idaho Code.

(30) Reports, information and other materials exempted by chapter 63, title 41, 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.

Approved March 20, 2017

CHAPTER 76
(H.B. No. 101)

AN ACT

RELATING TO INSURANCE; AMENDING CHAPTER 5, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-514, IDAHO CODE, TO PROVIDE STATUTORY PURPOSE; AMENDING SECTION 41-514, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE PROVISIONS REGARDING CREDIT FOR REINSURANCE; AND AMENDING SECTION 41-5204, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE.

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

SECTION 1. That Chapter 5, 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 41-514, Idaho Code, and to read as follows:

41-514. PURPOSE. The purpose of sections 41-514 and 41-515, Idaho Code, is to protect the interest of insureds, claimants, ceding insurers,

assuming insurers and the public generally. The legislature hereby declares its intent to ensure adequate regulation of insurers and reinsurers and adequate protection for those to whom they owe obligations. In furtherance of that state interest, the legislature hereby provides a mandate that upon the insolvency of a non-United States insurer or reinsurer that provides security to fund its United States obligations in accordance with this chapter, the assets representing the security shall be maintained in the United States, and claims shall be filed with and valued by the state insurance director with regulatory oversight, and the assets shall be distributed, in accordance with the insurance laws of the state in which the trust is domiciled that are applicable to the liquidation of domestic United States insurance companies. The legislature declares that the matters contained in this chapter are fundamental to the business of insurance in accordance with 15 U.S.C. 1011 and 1012.

SECTION 2. That Section 41-514, Idaho Code, be redesignated as Section 41-515, Idaho Code, and the same is hereby amended to read as follows:

41-5145. CREDIT FOR REINSURANCE. (1) Credit for reinsurance shall be allowed a domestic ceding insurer as either an asset or a ~~deduction~~ reduction from liability on account of reinsurance ceded only when the reinsurer meets the requirements of paragraph (a) ~~, or~~ (b) ~~, or~~ (c) ~~, or~~ (d) ~~, or~~ (e) or (f) of this subsection. ~~If meeting the requirements of paragraph (e) or (d) of this subsection, the requirements of paragraph (f) must also be met~~ (2) of this section; provided further, that the director may adopt by rule pursuant to subsection (5) (a) of this section specific additional requirements relating to or setting forth:

- (a) The valuation of assets or reserve credits;
- (b) The amount and forms of security supporting reinsurance arrangements described in subsection (5) (a) of this section; and
- (c) The circumstances pursuant to which credit will be reduced or eliminated.

(2) Credit shall be allowed under paragraph (a), (b), or (c) of this subsection only, as respects cessions of those kinds or classes of business which the assuming insurer is licensed or otherwise permitted to write or assume in its state of domicile or, in the case of a United States branch of an alien assuming insurer, in the state through which it is entered and licensed to transact insurance or reinsurance. Credit shall be allowed under paragraph (c) or (d) of this subsection only if the applicable requirements of paragraph (g) of this subsection have been satisfied.

(a) Credit shall be allowed when the reinsurance is ceded to an assuming insurer ~~which that~~ that is licensed to transact insurance or reinsurance in this state.

(b) Credit shall be allowed when the reinsurance is ceded to an assuming insurer ~~which that~~ that is accredited by the director as a reinsurer in this state. ~~An accredited~~ In order to be eligible for accreditation, a reinsurer is one which must:

- (i) Files with the director evidence of its submission to this state's jurisdiction;
- (ii) Submits to this state's authority to examine its books and records;
- (iii) ~~Is Be~~ Is Be licensed to transact insurance or reinsurance in at least one (1) state ~~, or~~ , in the case of a United States branch of an alien assuming insurer, is be entered through and licensed to transact insurance or reinsurance in at least one (1) state;
- (iv) Files annually with the director a copy of its annual statement filed with the insurance department of its state of domicile and a copy of its most recent audited financial statement; and either

(v) Demonstrate to the satisfaction of the director that it has adequate financial capacity to meet its reinsurance obligations and is otherwise qualified to assume reinsurance from domestic insurers. An assuming insurer is deemed to meet this requirement as of the time of its application if it

A. — Maintains a surplus as regards policyholders in an amount which is not less than twenty million dollars (\$20,000,000) and whose accreditation has not been denied by the director within ninety (90) days of its after submission; or of its application

B. Maintains a surplus as regards policyholders in an amount less than twenty million dollars (\$20,000,000) and whose accreditation has been approved by the director.

~~No credit shall be allowed a domestic ceding insurer, if the assuming insurers' accreditation has been revoked by the director after notice and hearing.~~

(c) Credit shall be allowed when the reinsurance is ceded to an assuming insurer which that is domiciled and licensed in, or in the case of a United States branch of an alien assuming insurer is entered through, a state which that employs standards regarding credit for reinsurance substantially similar to those applicable under this statute and the assuming insurer or United States branch of an alien assuming insurer:

- (i) Maintains a surplus as regards policyholders in an amount not less than twenty million dollars (\$20,000,000); and
- (ii) Submits to the authority of this state to examine its books and records.

~~Provided, however, that t~~The requirement of subparagraph (c) (i) of this subsection paragraph does not apply to reinsurance ceded and assumed pursuant to pooling arrangements among insurers in the same holding company system.

(d) (i) Credit shall be allowed when the reinsurance is ceded to an assuming insurer which that maintains a trust fund in a qualified United States financial institution, as defined in subsection (34) (b) of this section for the payment of the valid claims of its United States policyholders and ceding insurers, their assigns and successors in interest. The assuming insurer shall report annually to the director information substantially the same as that required to be reported on the national association of insurance commissioners (NAIC) annual statement form by licensed insurers to enable the director to determine the sufficiency of the trust fund. The assuming insurer shall submit to examination of its books and records by the director and bear the expense of examination.

(ii) Credit for reinsurance shall not be granted under this paragraph, unless the form of the trust and any amendments to the trust have been approved by:

- 1. The director of the state where the trust is domiciled; or
- 2. The director of another state who, pursuant to the terms of the trust instrument, has accepted principal regulatory oversight of the trust.

The form of the trust and any trust amendments also shall be filed with the director of every state in which the ceding insurer beneficiaries of the trust are domiciled. The trust instrument shall provide that contested claims shall be valid and enforceable upon the final order of any court of competent jurisdiction in the United States. The trust shall vest legal title to its assets in its trustees for the benefit of the assuming insurer's United States ceding insurers, their assigns and successors in interest. The trust and the assuming insurer shall be subject to examination

as determined by the director. The trust shall remain in effect for as long as the assuming insurer has outstanding obligations due under the reinsurance agreements subject to the trust. No later than February 28 of each year, the trustees of the trust shall report to the director in writing the balance of the trust and listing the trust's investments at the preceding year-end and shall certify the date of termination of the trust, if so planned, or certify that the trust shall not expire prior to the next following December 31.

(iii) The following requirements apply to the following categories of assuming insurer:

1. In the case of The trust fund for a single assuming insurer, the trust shall consist of a trustee account representing funds in trust in an amount not less than the assuming insurer's liabilities attributable to business written in the reinsurance ceded by United States ceding insurers and, in addition, the assuming insurer shall maintain a trustee surplus of not less than twenty million dollars (\$20,000,000), except as provided in subparagraph (iii)2. of this paragraph.

2. At any time after the assuming insurer has permanently discontinued underwriting new business secured by the trust for at least three (3) full years, the director with principal regulatory oversight of the trust may authorize a reduction in the required trustee surplus, but only after a finding, based on an assessment of the risk, that the new required surplus level is adequate for the protection of United States ceding insurers, policyholders and claimants in light of reasonably foreseeable adverse loss development. The risk assessment may involve an actuarial review, including an independent analysis of reserves and cash flows, and shall consider all material risk factors including, when applicable, the lines of business involved, the stability of the incurred loss estimates and the effect of the surplus requirements on the assuming insurer's liquidity or solvency. The minimum required trustee surplus may not be reduced to an amount less than thirty percent (30%) of the assuming insurer's liabilities attributable to reinsurance ceded by United States ceding insurers covered by the trust.

3. In the case of a group which that includes incorporated and individual unincorporated underwriters:

(A) For reinsurance ceded under reinsurance agreements with an inception, amendment or renewal date on or after January 1, 1993, the trust shall consist of a trustee account representing the group's in an amount not less than the respective underwriters' several liabilities attributable to business written in the ceded by United States domiciled ceding insurers to any underwriter of the group;

(B) For reinsurance ceded under reinsurance agreements with an inception date on or before December 31, 1992, and not amended or renewed after that date, the trust shall consist of a trustee account in an amount not less than the respective underwriters' several insurance and reinsurance liabilities attributable to business written in the United States; and

(C) In addition to these trusts, the group shall maintain in trust a trustee surplus of which one

hundred million dollars (\$100,000,000) shall be held jointly for the benefit of United States ceding insurers of any member of the group, for all years of the account.

~~The~~ incorporated members of the group shall not be engaged in any business other than underwriting as a member of the group and shall be subject to the same level of solvency regulation and control by the group's domiciliary regulator as are the unincorporated members; ~~and.~~ Within ninety (90) days after its financial statements are due to be filed with the group's domiciliary regulator, the group shall make available provide to the director an annual certification by the group's domiciliary regulator of the solvency of each underwriter by the groups domiciliary regulator and its member; or if certification is unavailable, financial statements prepared by independent public accountants of each underwriter member of the group.

(iiv) ~~In the case of a group of incorporated insurers underwriters under common administration which complies with the filing requirements contained in the previous paragraph, and which is under the supervision of the department of trade and industry of the United Kingdom and submits to this state's authority to examine its books and records and bears the expense of the examination, and which has, the group shall:~~

1. Have continuously transacted an insurance business outside the United States for at least three (3) years immediately prior to making application for accreditation;

2. Maintain aggregate policyholders' surplus of ten billion dollars (\$10,000,000,000);

3. the Maintain a trust shall be fund in an amount equal to not less than the group's several liabilities attributable to business written in the ceded by United States plus the group shall domiciled ceding insurers to any member of the group pursuant to reinsurance contracts issued in the name of the group;

4. Maintain a joint trusteed surplus of which one hundred million dollars (\$100,000,000) shall be held jointly for the benefit of United States domiciled ceding insurers of any member of the group, as additional security for these liabilities; and

5. each member of the group shall Within ninety (90) days after its financial statements are due to be filed with the group's domiciliary regulator, make available to the director an annual certification of the each underwriter member's solvency by the member's domiciliary regulator and financial statements of each underwriter member of the group prepared by its independent public accountants.

~~(iii) Such trust shall be established in a form approved by the director of insurance. The trust instrument shall provide that contested claims shall be valid and enforceable upon the final order of any court of competent jurisdiction in the United States. The trust shall vest legal title to its assets in the trustees of the trust for its United States policyholders and ceding insurers, their assigns and successors in interest. The trust and the assuming insurer shall be subject to examination as determined by the director. The trust described herein must remain in effect for as long as the assuming insurer shall have outstanding obligations due under the reinsurance agreements subject to the trust.~~

~~(iv) No later than February 28 of each year the trustees of the trust shall report to the director in writing setting forth the balance of the trust and listing the trust's investments at the preceding year end and shall certify the date of termination of the trust, if so planned, or certify that the trust shall not expire prior to the next following December 31.~~

(e) Credit shall be allowed when the reinsurance is ceded to an assuming insurer that has been certified by the director as a reinsurer in this state and has secured its obligations in accordance with the following requirements:

(i) In order to be eligible for certification, the assuming insurer must:

1. Be domiciled and licensed to transact insurance or reinsurance in a qualified jurisdiction, as determined by the director pursuant to subparagraph (iii) of this paragraph;
2. Maintain minimum capital and surplus, or the equivalent, in an amount to be determined by the director pursuant to rule;
3. Maintain financial strength ratings from two (2) or more rating agencies deemed acceptable by the director pursuant to rule;
4. Agree to submit to the jurisdiction of this state, appoint the director as its agent for service of process in this state and agree to provide security for one hundred percent (100%) of the assuming insurer's liabilities attributable to reinsurance ceded by United States ceding insurers if it resists enforcement of a final United States judgment;
5. Agree to meet applicable information filing requirements as determined by the director, both with respect to an initial application for certification and on an ongoing basis; and
6. Satisfy any other requirements for certification deemed relevant by the director.

(ii) An association including incorporated and individual unincorporated underwriters may be a certified reinsurer. In order to be eligible for certification, in addition to satisfying the requirements of subparagraph (i) of this paragraph:

1. The association shall satisfy its minimum capital and surplus requirements through the capital and surplus equivalents (net of liabilities) of the association and its members, which shall include a joint central fund that may be applied to any unsatisfied obligation of the association or any of its members, in an amount determined by the director to provide adequate protection;
2. The incorporated members of the association shall not be engaged in any business other than underwriting as a member of the association and shall be subject to the same level of regulation and solvency control by the association's domiciliary regulator as are the unincorporated members; and
3. Within ninety (90) days after its financial statements are due to be filed with the association's domiciliary regulator, the association shall provide to the director an annual certification by the association's domiciliary regulator of the solvency of each underwriter member; or if a certification is unavailable, financial statements, prepared by independent public accountants, of each underwriter member of the association.

(iii) The director shall create and publish a list of qualified jurisdictions under which an assuming insurer licensed and domiciled in such jurisdiction is eligible to be considered for certification by the director as a certified reinsurer.

1. In order to determine whether the domiciliary jurisdiction of a non-United States assuming insurer is eligible to be recognized as a qualified jurisdiction, the director shall evaluate the appropriateness and effectiveness of the reinsurance supervisory system of the jurisdiction, both initially and on an ongoing basis, and consider the rights, benefits and the extent of reciprocal recognition afforded by the non-United States jurisdiction to reinsurers licensed and domiciled in the United States. A qualified jurisdiction must agree to share information and cooperate with the director with respect to all certified reinsurers domiciled within that jurisdiction. A jurisdiction may not be recognized as a qualified jurisdiction if the director has determined that the jurisdiction does not adequately and promptly enforce final United States judgments and arbitration awards. Additional factors may be considered in the discretion of the director.

2. A list of qualified jurisdictions shall be published through the NAIC committee process. The director shall consider this list in determining qualified jurisdictions. If the director approves a jurisdiction as qualified that does not appear on the list of qualified jurisdictions, the director shall provide thoroughly documented justification in accordance with criteria to be developed under rulemaking.

3. United States jurisdictions that meet the requirement for accreditation under the NAIC financial standards and accreditation program shall be recognized as qualified jurisdictions.

4. If a certified reinsurer's domiciliary jurisdiction ceases to be a qualified jurisdiction, the director has the discretion to suspend the reinsurer's certification indefinitely, in lieu of revocation.

(iv) The director shall assign a rating to each certified reinsurer, giving due consideration to the financial strength ratings that have been assigned by rating agencies deemed acceptable to the director pursuant to rulemaking. The director shall publish a list of all certified reinsurers and their ratings.

(v) A certified reinsurer shall secure obligations assumed from United States ceding insurers under this subsection at a level consistent with its rating, as specified in rulemaking promulgated by the director.

1. In order for a domestic ceding insurer to qualify for full financial statement credit for reinsurance ceded to a certified reinsurer, the certified reinsurer shall maintain security in a form acceptable to the director and consistent with the provisions of subsection (3) of this section, or in a multibeneficiary trust in accordance with paragraph (d) of this subsection, except as otherwise provided in this paragraph.

2. If a certified reinsurer maintains a trust to fully secure its obligations subject to paragraph (d) of this subsection and chooses to secure its obligations incurred as a certified reinsurer in the form of a multibeneficiary trust, the certified reinsurer shall maintain separate trust accounts for its obligations incurred under reinsur-

ance agreements issued or renewed as a certified reinsurer with reduced security as permitted by this paragraph or comparable laws of other United States jurisdictions and for its obligations subject to paragraph (d) of this subsection. It shall be a condition to the grant of certification under this paragraph that the certified reinsurer shall have bound itself by the language of the trust and agreement with the director with principal regulatory oversight of each such trust account to fund, upon termination of any such trust account, out of the remaining surplus of such trust, any deficiency of any other such trust account.

3. The minimum trusted surplus requirements provided in paragraph (d) of this subsection are not applicable with respect to a multibeneficiary trust maintained by a certified reinsurer for the purpose of securing obligations incurred under this paragraph, except that such trust shall maintain a minimum trusted surplus of ten million dollars (\$10,000,000).

4. With respect to obligations incurred by a certified reinsurer under this subparagraph, if the security is insufficient, the director shall reduce the allowable credit by an amount proportionate to the deficiency and has the discretion to impose further reductions in allowable credit upon finding that there is a material risk that the certified reinsurer's obligations will not be paid in full when due.

5. For purposes of this subparagraph, a certified reinsurer whose certification has been terminated for any reason shall be treated as a certified reinsurer required to secure one hundred percent (100%) of its obligations. As used here, the term "terminated" refers to revocation, suspension, voluntary surrender and inactive status. If the director continues to assign a higher rating as permitted by other provisions of this section, this requirement does not apply to a certified reinsurer in inactive status or to a reinsurer whose certification has been suspended.

(vi) If an applicant for certification has been certified as a reinsurer in an NAIC-accredited jurisdiction, the director has the discretion to defer to that jurisdiction's certification and has the discretion to defer to the rating assigned by that jurisdiction, and such assuming insurer shall be considered to be a certified reinsurer in this state.

(vii) A certified reinsurer that ceases to assume new business in this state may request to maintain its certification in inactive status in order to continue to qualify for a reduction in security for its in-force business. An inactive certified reinsurer shall continue to comply with all applicable requirements of subparagraph (v) of this paragraph, and the director shall assign a rating that takes into account, if relevant, the reasons why the reinsurer is not assuming new business.

(f) Credit shall be allowed when the reinsurance is ceded to an assuming insurer not meeting the requirements of paragraph (a), (b), (c), ~~or~~ (d) or (e) of this section subsection, but only with respect to the insurance of risks located in jurisdictions where such reinsurance is required by applicable law or regulation of that jurisdiction.

(~~g~~) If the assuming insurer is not licensed, ~~or~~ accredited or certified to transact insurance or reinsurance in this state, the credit permitted in paragraphs (c) and (d) of this subsection shall not be allowed unless the assuming insurer agrees in the reinsurance agreements:

(i) That in the event of the failure of the assuming insurer to perform its obligations under the terms of the reinsurance agreement, the assuming insurer, at the request of the ceding insurer, shall submit to the jurisdiction of any court of competent jurisdiction in any state of the United States, will comply with all requirements necessary to give such court jurisdiction, and will abide by the final decision of such court or of any appellate court in the event of an appeal; and

(ii) To designate the director or a designated attorney as its true and lawful attorney upon whom may be served any lawful process in any action, suit or proceeding instituted by or on behalf of the ceding company.

This provision is not intended to conflict with or override the obligation of the parties to a reinsurance agreement to arbitrate their disputes, if such an obligation is created in the agreement.

(h) If the assuming insurer does not meet the requirements of paragraph (a), (b) or (c) of this subsection, the credit permitted by paragraph (d) or (e) of this subsection shall not be allowed unless the assuming insurer agrees in the trust agreements to the following conditions:

(i) If the trust fund is inadequate because it contains an amount less than the amount required by paragraph (d) (iii) of this subsection, or if the grantor of the trust has been declared insolvent or placed into receivership, rehabilitation, liquidation or similar proceedings under the laws of its state or country of domicile, the trustee shall comply with an order of the director with regulatory oversight over the trust or with an order of a court of competent jurisdiction directing the trustee to transfer to the director with regulatory oversight all of the assets of the trust fund.

(ii) The assets shall be distributed by, and claims shall be filed with and valued by, the director with regulatory oversight in accordance with the laws of the state in which the trust is domiciled that are applicable to the liquidation of domestic insurance companies.

(iii) If the director with regulatory oversight determines that the assets of the trust fund or any part thereof are not necessary to satisfy the claims of the United States ceding insurers of the grantor of the trust, the assets or part thereof shall be returned by the director with regulatory oversight to the trustee for distribution in accordance with the trust agreement.

(iv) The grantor shall waive any right otherwise available to it under United States law that is inconsistent with this provision.

(i) If an accredited or certified reinsurer ceases to meet the requirements for accreditation or certification, the director may suspend or revoke the reinsurer's accreditation or certification.

(i) The director must give the reinsurer notice and opportunity for hearing. The suspension or revocation may not take effect until after the director's order on hearing, unless:

1. The reinsurer waives its right to hearing;

2. The director's order is based on regulatory action by the reinsurer's domiciliary jurisdiction or the voluntary surrender or termination of the reinsurer's eligibility to transact insurance or reinsurance business in its domiciliary jurisdiction or in the primary certifying state of the reinsurer under paragraph (e) (vi) of this subsection; or

3. The director finds that an emergency requires immediate action and a court of competent jurisdiction has not stayed the director's order.

(ii) While a reinsurer's accreditation or certification is suspended, no reinsurance contract issued or renewed after the

effective date of the suspension qualifies for credit, except to the extent that the reinsurer's obligations under the contract are secured in accordance with subsection (3) of this section. If a reinsurer's accreditation or certification is revoked, no credit for reinsurance may be granted after the effective date of the revocation, except to the extent that the reinsurer's obligations under the contract are secured in accordance with paragraph (e) (v) of this subsection or with subsection (3) of this section.

(j) The following provisions apply regarding the concentration of risk:

(i) A ceding insurer shall take steps to manage its reinsurance recoverables proportionate to its own book of business. A domestic ceding insurer shall notify the director within thirty (30) days after reinsurance recoverables from any single assuming insurer, or group of affiliated assuming insurers, exceeds fifty percent (50%) of the domestic ceding insurer's last reported surplus to policyholders, or after it is determined that reinsurance recoverables from any single assuming insurer, or group of affiliated assuming insurers, is likely to exceed this limit. The notification shall demonstrate that the exposure is safely managed by the domestic ceding insurer.

(ii) A ceding insurer shall take steps to diversify its reinsurance program. A domestic ceding insurer shall notify the director within thirty (30) days after ceding to any single assuming insurer, or group of affiliated assuming insurers, more than twenty percent (20%) of the ceding insurer's gross written premium in the prior calendar year, or after it has determined that the reinsurance ceded to any single assuming insurer, or group of affiliated assuming insurers, is likely to exceed this limit. The notification shall demonstrate that the exposure is safely managed by the domestic ceding insurer.

(23) An asset or aA reduction from liability for the reinsurance ceded by a domestic insurer to an assuming insurer not meeting the requirements in subsection (12) of this section shall be allowed in an amount not exceeding the liabilities carried by the ceding insurer and such; provided further, that the director may adopt by rule pursuant to subsection (5) (a) of this section specific additional requirements relating to or setting forth the valuation of assets or reserve credits, the amount and forms of security supporting reinsurance arrangements described in subsection (5) (a) of this section, and the circumstances pursuant to which credit will be reduced or eliminated. The reduction shall be in the amount of funds held by or on behalf of the ceding insurer₇, including funds held in trust for the ceding insurer, under a reinsurance contract with such the assuming insurer as security for the payment of obligations thereunder, if such the security is held in the United States subject to withdrawal solely by, and under the exclusive control of, the ceding insurer₇ or, in the case of a trust, held in a qualified United States financial institution₇ as defined in subsection (4) (b) of this section. This security may be in the form of:

(a) Cash₇;

(b) Securities listed by the securities valuation office of the national association of insurance commissioners NAIC, including those deemed exempt from filing as defined by the purposes and procedures manual of the securities valuation office, and qualifying as admitted assets₇;

(c) Clean, irrevocable, unconditional letters of credit, as defined in subsection (3) (a) of this section₇ issued or confirmed by a qualified United States financial institution as defined in subsection (4) (a) of this section no later than December 31 in respect of the year for which the filing is being made, and in the possession of, or in trust for, the

ceding company on or before the filing date of its annual statement. Letters of credit meeting applicable standards of issuer acceptability as of the dates of their issuance (or confirmation) shall, notwithstanding the issuing (or confirming) institution's subsequent failure to meet applicable standards of issuer acceptability, continue to be acceptable as security until their expiration, extension, renewal, modification or amendment, whichever first occurs; or

(d) Any other form of security acceptable to the director.

(34) (a) For purposes of subsection (23) (c) of this section a "qualified United States financial institution" means an institution that:

(ai) Is organized or (in the case of a United States office of a foreign banking organization) licensed, under the laws of the United States or any state thereof;

(bii) Is regulated, supervised and examined by United States federal or state authorities having regulatory authority over banks and trust companies; and

(eiii) Has been determined by either the director or the securities valuation office of the national association of insurance commissioners NAIC, to meet such standards of financial condition and standing as are considered necessary and appropriate to regulate the quality of financial institutions whose letters of credit will be acceptable to the director.

(4b) A "qualified United States financial institution" means, for purposes of the provisions of this statute specifying those institutions that are eligible to act as a fiduciary of a trust, an institution that:

(ai) Is an organization, or (in the case of a United States branch or agency office of a foreign banking organization) licensed, under the laws of the United States or any state thereof and has been granted authority to operate with fiduciary powers; and

(bii) Is regulated, supervised and examined by federal or state authorities having regulatory authority over banks and trust companies.

(5) The director may adopt rules implementing the provisions of this chapter.

(a) The director is further authorized to adopt rules applicable to reinsurance arrangements described in subparagraph (i) of this paragraph.

(i) A rule adopted pursuant to this subparagraph may apply only to reinsurance relating to: life insurance policies with guaranteed nonlevel gross premiums or guaranteed nonlevel benefits; universal life insurance policies with provisions resulting in the ability of a policyholder to keep a policy in force over a secondary guarantee period; variable annuities with guaranteed death or living benefits; long-term care insurance policies; or such other life and health insurance and annuity products as to which the NAIC adopts model regulatory requirements with respect to credit for reinsurance.

(ii) A rule adopted pursuant to subparagraph (i) of this paragraph concerning life insurance policies with guaranteed nonlevel gross premiums or guaranteed nonlevel benefits or universal life insurance policies with provisions resulting in the ability of a policyholder to keep a policy in force over a secondary guarantee period may apply to any treaty containing policies issued on or after January 1, 2015, and policies issued prior to January 1, 2015, if risk pertaining to such pre-2015 policies is ceded in connection with the treaty, in whole or in part, on or after January 1, 2015.

(iii) A rule adopted pursuant to this paragraph may require the ceding insurer, in calculating the amounts or forms of security required to be held under rules promulgated under this authority,

to use the valuation manual referenced in section 41-612, Idaho Code.

(iv) A rule adopted pursuant to this paragraph shall not apply to sessions to an assuming insurer that:

1. Is certified in this state or, if this state has not adopted provisions substantially equivalent to subsection (2) (e) of this section, certified in a minimum of five (5) other states; or

2. Maintains at least two hundred fifty million dollars (\$250,000,000) in capital and surplus when determined in accordance with the NAIC accounting practices and procedures manual, referenced in section 41-335, Idaho Code, and is:

(A) Licensed in at least twenty-six (26) states; or

(B) Licensed in at least ten (10) states, and licensed or accredited in a total of at least thirty-five (35) states.

(b) The authority to adopt rules pursuant to paragraph (a) of this subsection does not limit the director's general authority to adopt rules pursuant to this subsection.

(6) The provisions of this section shall apply to all sessions cessions after the effective date of this act under reinsurance agreements which that have had an inception, anniversary, or renewal date not less than six (6) months after the effective date of this act.

SECTION 3. That Section 41-5204, Idaho Code, be, and the same is hereby amended to read as follows:

41-5204. APPLICABILITY AND SCOPE. To the extent permitted by federal law, the provisions of this chapter shall apply to any health benefit plan delivered or issued for delivery in the state of Idaho that provides coverage to eligible individuals or their dependents if not otherwise subject to the provisions of chapter 22, 40, 47 or 55, title 41, Idaho Code.

(1) Except as provided in subsection (2) of this section, for the purposes of this chapter, carriers that are affiliated companies or that are eligible to file a consolidated tax return shall be treated as one (1) carrier and any restrictions or limitations imposed in this chapter shall apply as if all health benefit plans delivered or issued for delivery to individuals in this state by such affiliated carriers were insured by one (1) carrier.

(2) An affiliated carrier that is a managed care organization having a certificate of authority pursuant to the provisions of chapter 39, title 41, Idaho Code, may be considered to be a separate carrier for the purposes of this chapter.

(3) Unless otherwise authorized by the director, an individual carrier shall not enter into one (1) or more ceding arrangements with respect to health benefit plans delivered or issued for delivery to individuals in this state if such arrangements would result in less than fifty percent (50%) of the insurance obligation or risk for such health benefit plans being retained by the ceding carrier. The provisions of sections 41-510, 41-511 and 41-5145, Idaho Code, shall apply if an individual carrier cedes or assumes all of the insurance obligation or risk with respect to one (1) or more health benefit plans delivered or issued for delivery to individuals in this state.

Approved March 20, 2017

CHAPTER 77
(H.B. No. 102)

AN ACT

RELATING TO INSURANCE; AMENDING TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 64, TITLE 41, IDAHO CODE, TO PROVIDE PURPOSE AND SCOPE, TO DEFINE TERMS, TO PROVIDE FOR CERTAIN DISCLOSURE, TO PROVIDE FOR THE CONTENTS OF A DISCLOSURE REPORT, TO PROVIDE FOR CONFIDENTIALITY AND TO ESTABLISH PROVISIONS REGARDING THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS AND THIRD-PARTY CONSULTANTS; AMENDING SECTION 41-3434, IDAHO CODE, TO PROVIDE CODE REFERENCES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 74-107, IDAHO CODE, TO PROVIDE AN EXEMPTION, TO MAKE CODIFIER'S CORRECTIONS AND TO MAKE A TECHNICAL CORRECTION; AND PROVIDING SEVERABILITY.

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

SECTION 1. That Title 41, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 64, Title 41, Idaho Code, and to read as follows:

CHAPTER 64
CORPORATE GOVERNANCE ANNUAL DISCLOSURE

41-6401. PURPOSE AND SCOPE. (1) The purpose and scope of this chapter are to:

- (a) Provide the insurance director a summary of an insurer or insurance group's corporate governance structure, policies and practices to permit the director to gain and maintain an understanding of the insurer's corporate governance framework;
- (b) Outline the requirements for completing a corporate governance annual disclosure with the insurance director; and
- (c) Provide for the confidential treatment of the corporate governance annual disclosure and related information that will contain confidential and sensitive information related to an insurer or insurance group's internal operations and proprietary and trade secret information that, if made public, could potentially cause the insurer or insurance group competitive harm or disadvantage.

(2) Nothing in this chapter shall be construed to prescribe or impose corporate governance standards and internal procedures beyond that which is required under applicable state corporate law. Nothing in this chapter shall be construed to limit the director's authority, or the rights or obligations of third parties, under applicable examination authority including, but not limited to, sections 41-219 and 41-3814, Idaho Code.

(3) The requirements of this chapter shall apply to all insurers domiciled in this state.

41-6402. DEFINITIONS. As used in this chapter:

(1) "Corporate governance annual disclosure" or "CGAD" means a confidential report filed by the insurer or insurance group made in accordance with the requirements of this chapter.

(2) "Insurance group" means those insurers and affiliates included within an insurance holding company system as that term is defined in chapter 38, title 41, Idaho Code.

(3) "Insurer" has the same meaning as set forth in section 41-103, Idaho Code, and it shall not include agencies, authorities or instrumentalities of the United States, its possessions and territories, the commonwealth of Puerto Rico, the District of Columbia, or a state or political subdivision of

a state. For purposes of this chapter, the term "insurer" includes, but is not limited to:

- (a) An entity holding a certificate of authority under chapter 3, title 41, Idaho Code;
- (b) A service corporation holding a certificate of authority under chapter 34, title 41, Idaho Code;
- (c) A managed care organization holding a certificate of authority under chapter 39, title 41, Idaho Code; and
- (d) The state insurance fund, created under chapter 9, title 72, Idaho Code.

41-6403. DISCLOSURE REQUIREMENT. (1) A domestic insurer, or the insurance group of which the domestic insurer is a member, shall, no later than June 1 of each calendar year, submit to the director a corporate governance annual disclosure (CGAD) that contains the information described in section 41-6404, Idaho Code. Absent a request from the director pursuant to subsection (3) of this section, an insurance group is not required to submit the CGAD if Idaho is not the lead state for the insurance group, as determined by the procedures outlined in the most recent national association of insurance commissioners' (NAIC) financial analysis handbook adopted by the director by rule, administrative order or bulletin.

(2) The CGAD must include a signature of the insurer or insurance group's chief executive officer or corporate secretary, attorney in fact, executive administrator, or other officer having responsibility for the insurer's or insurance group's compliance with governance structure, practices and policies attesting to the best of that individual's belief and knowledge that the insurer has implemented the corporate governance practices and that a copy of the disclosure has been provided to the insurer's board of directors or the appropriate committee thereof.

(3) An insurer or insurance group not required to submit a CGAD under subsection (1) of this section shall do so upon the director's request.

(4) For purposes of completing the CGAD, the insurer or insurance group may provide information regarding corporate governance at the ultimate controlling parent level, an intermediate holding company level and/or the individual legal entity level, depending upon how the insurer or insurance group has structured its system of corporate governance. The insurer or insurance group is encouraged to make the CGAD disclosures at the level at which the insurer's or insurance group's risk appetite is determined, or at which the earnings, capital, liquidity, operations and reputation of the insurer are overseen collectively and at which the supervision of those factors are coordinated and exercised, or the level at which legal liability for failure of general corporate governance duties would be placed. If the insurer or insurance group determines the level of reporting based on these criteria, it shall indicate which of the three (3) criteria was used to determine the level of reporting and explain any subsequent changes in the level of reporting.

(5) The review of the CGAD and any additional requests for information shall be made through the lead state as determined by the procedures within the most recent financial analysis handbook referenced in subsection (1) of this section.

(6) Insurers providing information substantially similar to the information required by this chapter in other documents provided to the director, including proxy statements filed in conjunction with form B requirements or other state or federal filings provided to the department, shall not be required to duplicate that information in the CGAD but shall only be required to cross-reference the document in which the information is included.

41-6404. CONTENTS OF CORPORATE GOVERNANCE ANNUAL DISCLOSURE. (1) The insurer or insurance group shall have discretion over the responses to the

CGAD inquiries, provided the CGAD shall contain the material information necessary to permit the director to gain an understanding of the insurer's or group's corporate governance structure, policies and practices including, without limitation, information concerning policies and practices of the board of directors, the senior governing entity and significant committees thereof, the policies and practices for directing senior management, and the processes by which the board of directors, the senior governing entity, its committees and senior management ensure an appropriate amount of oversight to the critical risk areas impacting the insurer's business activities. The director may request additional information that the director deems material and necessary to provide the director with a clear understanding of the corporate governance policies, the reporting or information system, or the controls implementing those policies.

(2) The CGAD shall be prepared consistent with any rules promulgated by the director. Documentation and supporting information shall be maintained and made available upon examination or upon request of the director.

(3) Each year following the initial filing of the CGAD, the insurer or insurance group shall file an amended version of the previously filed CGAD indicating where changes have been made. If no changes were made in the information or activities reported by the insurer or insurance group, the filing should so state.

41-6405. CONFIDENTIALITY. (1) Documents, materials or other information, including the CGAD, in the possession or control of the department of insurance that are obtained by, created by or disclosed to the director or any other person under this chapter are recognized by this state as being proprietary and to contain trade secrets. All such documents, materials or other information shall be confidential by law and privileged, shall not be subject to disclosure pursuant to the provisions of chapter 1, title 74, Idaho Code, shall not be subject to subpoena and shall not be subject to discovery or admissible in evidence in any private civil action. However, the director is authorized to use the documents, materials or other information in the furtherance of any regulatory or legal action brought as a part of the director's official duties. The director shall not otherwise make the documents, materials or other information public without the prior written consent of the insurer. Nothing in this section shall be construed to require written consent of the insurer before the director may share or receive confidential documents, materials or other CGAD-related information pursuant to subsection (3) of this section to assist in the performance of the director's duties.

(2) Neither the director nor any person who received documents, materials or other CGAD-related information, through examination or otherwise, while acting under the authority of the director, or with whom such documents, materials or other information are shared pursuant to this chapter, shall be permitted or required to testify in any private civil action concerning any confidential documents, materials or information subject to subsection (1) of this section.

(3) In order to assist in the performance of the director's regulatory duties, the director may:

(a) Upon request, share documents, materials, or other CGAD-related information including the confidential and privileged documents, materials, or information subject to subsection (1) of this section, including proprietary and trade secret documents and materials with other state, federal, and international financial regulatory agencies, including members of any supervisory college as discussed in section 41-3815, Idaho Code, with the NAIC, and with third-party consultants pursuant to section 41-6406, Idaho Code, provided that the recipient agrees in writing to maintain the confidentiality and privileged status

of the CGAD-related documents, materials, or other information and has verified in writing the legal authority to maintain confidentiality.

(b) Receive documents, materials, or other CGAD-related information, including otherwise confidential and privileged documents, materials or information, including proprietary and trade secret information or documents, from regulatory officials of other state, federal, and international financial regulatory agencies, including members of any supervisory college as discussed in section 41-3815, Idaho Code, and from the NAIC, and shall maintain as confidential or privileged any documents, materials, or information received with notice or the understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the document, material, or information.

(4) The sharing of information and documents by the director pursuant to this chapter shall not constitute a delegation of regulatory authority or rulemaking, and the director is solely responsible for the administration, execution and enforcement of the provisions of this chapter.

(5) No waiver of any applicable privilege or claim of confidentiality in the documents, proprietary and trade secret materials or other CGAD-related information shall occur as a result of disclosure of such CGAD-related information or documents to the director under this section or as a result of sharing as authorized in this chapter.

41-6406. NAIC AND THIRD-PARTY CONSULTANTS. (1) The director may retain third-party consultants not otherwise part of the director's staff as may be reasonably necessary to assist the director in reviewing the CGAD and related information or the insurer's compliance with this chapter.

(2) Any persons retained under subsection (1) of this section shall be under the direction and control of the director and shall act in a purely advisory capacity.

(3) The NAIC and third-party consultants shall be subject to the same confidentiality standards and requirements as the director.

(4) As part of the retention process, a third-party consultant shall verify to the director, with notice to the insurer, that it is free of a conflict of interest and that it has internal procedures in place to monitor compliance with a conflict and to comply with the confidentiality standards and requirements of this chapter.

(5) A written agreement with the NAIC and/or a third-party consultant governing sharing and use of information provided pursuant to this chapter shall contain the following provisions and expressly require the written consent of the insurer prior to making public information provided under this chapter:

(a) Specific procedures and protocols for maintaining the confidentiality and security of CGAD-related information shared with the NAIC or a third-party consultant pursuant to this chapter;

(b) Procedures and protocols for sharing by the NAIC only with other state regulators from states in which the insurance group has domiciled insurers. The agreement shall provide that the recipient agrees in writing to maintain the confidentiality and privileged status of the CGAD-related documents, materials or other information and has verified in writing the legal authority to maintain confidentiality;

(c) A provision specifying that ownership of the CGAD-related information shared with the NAIC or a third-party consultant remains with the department of insurance and the NAIC's or third-party consultant's use of the information is subject to the direction of the director;

(d) A provision that prohibits the NAIC or a third-party consultant from storing the information shared pursuant to this chapter in a permanent database after the underlying analysis is completed;

(e) A provision requiring the NAIC or third-party consultant to provide prompt notice to the director and to the insurer or insurance group regarding any subpoena, request for disclosure or request for production of the insurer's CGAD-related information; and

(f) A requirement that the NAIC or a third-party consultant consent to intervention by an insurer in any judicial or administrative action in which the NAIC or a third-party consultant may be required to disclose confidential information about the insurer shared with the NAIC or a third-party consultant pursuant to this chapter.

SECTION 2. That Section 41-3434, Idaho Code, be, and the same is hereby amended to read as follows:

41-3434. OTHER PROVISIONS APPLICABLE. In addition to those contained or referred to heretofore in this chapter, the following chapters and provisions of this title 41, Idaho Ceode, shall also apply with respect to service corporations to the extent applicable and not in conflict with the express provisions of this chapter and the reasonable implications of such express provisions, and for the purposes of such application such corporations shall be deemed to be mutual "insurers":

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

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

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

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

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

(b) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

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

(3) Records relating to the appraisal of real property, timber or mineral rights prior to its acquisition, sale or lease by a public agency or independent public body corporate and politic.

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

(5) Examination, operating or condition reports and all documents relating thereto, prepared by or supplied to any public agency or independent public body corporate and politic responsible for the regulation or supervision of financial institutions including, but not limited to, banks, savings and loan associations, regulated lenders, business and industrial development corporations, credit unions, and insurance companies, or for the regulation or supervision of the issuance of securities.

(6) Records gathered by a local agency or the Idaho department of commerce, as described in chapter 47, title 67, Idaho Code, for the specific purpose of assisting a person to locate, maintain, invest in, or expand business operations in the state of Idaho.

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

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

(9) Names and addresses of seed companies, seed crop growers, seed crop consignees, locations of seed crop fields, variety name and acreage by variety. Upon the request of the owner of the proprietary variety, this information shall be released to the owner. Provided however, that if a seed crop has been identified as diseased or has been otherwise identified by the Idaho department of agriculture, other state departments of agriculture, or the United States department of agriculture to represent a threat to that par-

particular seed or commercial crop industry or to individual growers, information as to test results, location, acreage involved and disease symptoms of that particular seed crop, for that growing season, shall be available for public inspection and copying. This exemption shall not supersede the provisions of section 22-436, Idaho Code, nor shall this exemption apply to information regarding specific property locations subject to an open burning of crop residue pursuant to section 39-114, Idaho Code, names of persons responsible for the open burn, acreage and crop type to be burned, and time frames for burning.

(10) Information obtained from books, records and accounts required in chapter 47, title 22, Idaho Code, to be maintained by the Idaho oilseed commission and pertaining to the individual production records of oilseed growers.

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

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

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

(14) Voluntarily prepared environmental audits, and voluntary disclosures of information submitted on or before December 31, 1997, to an environmental agency, which are claimed to be confidential business information.

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

- (a) The original data including, but not limited to, numbers, text, voice, graphics and images;
- (b) Analysis, compilation and other manipulated forms of the original data produced by use of the program; or
- (c) The mathematical or statistical formulas that would be used if the manipulated forms of the original data were to be produced manually.

(16) Active investigatory records and trademark usage audits of the Idaho potato commission specifically relating to the enforcement of chapter 12, title 22, Idaho Code, until the commencement of formal proceedings as provided by rules of the commission; purchase and sales information submitted to the Idaho potato commission during a trademark usage audit, and investigation or enforcement proceedings. Inactive investigatory records shall be disclosed unless the disclosure would violate the standards set forth in subsection (1) (a) through (f) of section 74-124, Idaho Code. Noth-

ing in this subsection shall limit the use which can be made, or availability of such information if used, for regulatory purposes or its admissibility in any enforcement proceeding.

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

(a) Records otherwise deemed to be public records not exempt from disclosure pursuant to this chapter; and

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

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

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

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

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

(22) The exemptions from disclosure provided in subsections (20) and (21) of this section shall apply only until the academic research is publicly released, copyrighted or patented, or until the academic research is completed or terminated. At such time, the records, data, information, and materials shall be subject to public disclosure unless: (a) another exemption in this chapter applies; (b) such information was provided to the institution subject to a written agreement of confidentiality; or (c) public disclosure would pose a danger to persons or property.

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

(24) Records of a county assessor, the state tax commission, a county board of equalization or the state board of tax appeals containing the following information: (i) lists of personal property required to be filed pursuant to section 63-302, Idaho Code, and operating statements required to be filed pursuant to section 63-404, Idaho Code, and (ii) confidential commercial or financial information including trade secrets. Except with respect to lists of personal property required to be filed pursuant to section 63-302, Idaho Code, and the operator statements required to be filed pursuant to section 63-404, Idaho Code, it shall be the responsibility of the taxpayer to give notice of its claim to exemption by stamping or marking each page or the first page of each portion of documents so claimed. No records that are exempt pursuant to this subsection shall be disclosed without the consent of the taxpayer except as follows:

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

(b) In the publication of statistics or reports as long as the statistics or reports do not reasonably lead to the identification of the spe-

cific taxpayer or information submitted by taxpayers exempt pursuant to this subsection.

(c) To the board of tax appeals or the district court as evidence or otherwise in connection with an appeal of the taxpayer's property tax assessment, but only if the board or the court, as applicable, has entered a protective order specifying that the taxpayer information may not be disclosed by any person conducting or participating in the action or proceeding, except as authorized by the board or the court in accordance with applicable law.

(d) Nothing in this subsection shall prevent disclosure of the following information:

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

(25) Results of laboratory tests which have no known adverse impacts to human health conducted by the Idaho state department of agriculture animal health laboratory, related to diagnosis of animal diseases of individual animals or herds, on samples submitted by veterinarians or animal owners unless:

(a) The laboratory test results indicate the presence of a state or federally reportable or regulated disease in animals;

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

(c) The test result is identified as representing a threat to animal or human health or to the livestock industry by the Idaho state department of agriculture or the United States department of agriculture. Nothing in this subsection shall limit the use which can be made, or availability of such information if used, for regulatory purposes or its admissibility in any enforcement proceeding, or the duty of any person to report contagious or infectious diseases as required by state or federal law.

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

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

(28) Individual financial statements of a postsecondary educational institution or a proprietary school submitted to the state board of education, its director or a representative thereof, for the purpose of registering the postsecondary educational institution or proprietary school pursuant to section 33-2402 or 33-2403, Idaho Code, or provided pursuant to an administrative rule of the board adopted pursuant to such sections.

(29) Information submitted ~~to~~ by insurance companies pursuant to section 421-612(17), Idaho Code.

(30) Documents, materials or other information submitted to the director of the department of insurance as provided in chapter 64, title 41, 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.

Approved March 20, 2017

CHAPTER 78
(H.B. No. 105)

AN ACT

RELATING TO TEACHER PREPARATION; AMENDING SECTION 33-1207A, IDAHO CODE, TO PROVIDE THAT A TEACHER PREPARATION ASSESSMENT MAY CONSIST OF MULTIPLE MEASURES FOR THE DEMONSTRATION OF SKILLS BY THE STUDENT AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 33-1207A, Idaho Code, be, and the same is hereby amended to read as follows:

33-1207A. TEACHER PREPARATION. (1) Higher Education Institutions. The state board shall review teacher preparation programs at the institutions of higher education under its supervision and shall assure that the course offerings and graduation requirements are consistent with the state board-approved, research-based "Idaho Comprehensive Literacy Plan." To ensure compliance with this requirement, the board may allocate funds, subject to appropriation, to the higher education institutions that have teacher preparation programs.

The higher education institutions shall be responsible for the preservice assessment measures for all kindergarten through grade ~~twelve~~ (12) teacher preparation programs. The assessment must include a demonstration of teaching skills and knowledge congruent with current research on best reading practices. The assessment may consist of multiple measures, in alignment with best practices, for the demonstration of these skills. Each institution shall report annually to the state board of education the number of preservice teachers who have passed the assessment. The state board of education shall then compile the statewide results and report to the legislature and the governor.

(2) For all Idaho teachers working on interim certificates, alternate routes or coming from out of state, completion of a state-approved reading instruction course shall be a one-time requirement for full certification.

(3) The board of trustees of every school district shall include in its plan for in-service training, coursework covering reading skills development, including diagnostic tools to review and adjust instruction continuously, and the ability to identify students who need special help in reading. The district plan for in-service training in reading skills shall be submitted to the state department of education for review and approval, in a format specified by the department.

Approved March 20, 2017

CHAPTER 79
(H.B. No. 107)

AN ACT

RELATING TO THE INTERSTATE COMPACT FOR WESTERN REGIONAL COOPERATION IN HIGHER EDUCATION; AMENDING SECTION 33-3601, IDAHO CODE, TO CLARIFY THAT ANY REFERENCE TO THE TERRITORIES OF ALASKA AND HAWAII IN THE INTERSTATE COMPACT FOR WESTERN REGIONAL COOPERATION IN HIGHER EDUCATION MEANS THE STATES OF ALASKA AND HAWAII.

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

SECTION 1. That Section 33-3601, Idaho Code, be, and the same is hereby amended to read as follows:

33-3601. INTERSTATE COMPACT FOR WESTERN REGIONAL COOPERATION IN HIGHER EDUCATION RATIFIED. The State of Idaho does hereby ratify, approve, adopt and confirm the Interstate Compact for Western Regional Cooperation in Higher Education heretofore entered into between the States of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and, Wyoming, and ~~the Territories of Alaska and Hawaii, which said.~~ The compact is, in words and figures as follows, except that any reference to the Territories of Alaska and Hawaii means the States of Alaska and Hawaii:

ARTICLE I

WHEREAS, the future of this Nation and of the Western States is dependent upon the quality of the education of its youth; and

WHEREAS, many of the Western States individually do not have sufficient numbers of potential students to warrant the establishment and maintenance within their borders of adequate facilities in all of the essential fields of technical, professional, and graduate training, nor do all of the States have the financial ability to furnish within their borders institutions capable of providing acceptable standards of training in all of the fields mentioned above; and

WHEREAS, it is believed that the Western States, or groups of such states within the Region, cooperatively can provide acceptable and efficient educational facilities to meet the needs of the Region and of the students thereof:

Now, therefore, the States of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, and the Territories of Alaska and Hawaii do hereby covenant and agree as follows:

ARTICLE II

Each of the compacting states and territories pledges to each of the other compacting states and territories faithful cooperation in carrying out all the purposes of this Compact.

ARTICLE III

The compacting states and territories hereby create the Western Interstate Commission for Higher Education, hereinafter called the Commission. Said Commission shall be a body corporate of each compacting state and territory and an agency thereof. The Commission shall have all the powers and duties set forth herein, including the power to sue and be sued, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states and territories.

ARTICLE IV

The Commission shall consist of three resident members from each compacting state or territory. At all times one Commissioner from each compacting state or territory shall be an educator engaged in the field of higher education in the state or territory from which he is appointed.

The Commissioners from each state and territory shall be appointed by the Governor thereof as provided by law in such state or territory. Any Commissioner may be removed or suspended from office as provided by the law of the state or territory from which he shall have been appointed.

The terms of each Commissioner shall be four years; provided however that the first three Commissioners shall be appointed as follows: one for two years, one for three years, and one for four years. Each Commissioner shall hold office until his successor shall be appointed and qualified. If any office becomes vacant for any reason, the Governor shall appoint a Commissioner to fill the office for the remainder of the unexpired term.

ARTICLE V

Any business transacted at any meeting of the Commission must be by affirmative vote of a majority of the whole number of compacting states and territories.

One or more Commissioners from a majority of the compacting states and territories shall constitute a quorum for the transaction of business.

Each compacting state and territory represented at any meeting of the Commission is entitled to one vote.

ARTICLE VI

The Commission shall elect from its number a chairman and a vice chairman, and may appoint, and at its pleasure dismiss or remove, such officers, agents, and employees as may be required to carry out the purpose of this Compact; and shall fix and determine their duties, qualifications and compensation, having due regard for the importance of the responsibilities involved.

The Commissioners shall serve without compensation, but shall be reimbursed for their actual and necessary expenses from the funds of the Commission.

ARTICLE VII

The Commission shall adopt a seal and by-laws and shall adopt and promulgate rules and regulations for its management and control.

The Commission may elect such committees as it deems necessary for the carrying out of its functions.

The Commission shall establish and maintain an office within one of the compacting states for the transaction of its business and may meet at any time, but in any event must meet at least once a year. The Chairman may call such additional meetings and upon the request of a majority of the Commis-

sioners of three or more compacting states or territories shall call additional meetings.

The Commission shall submit a budget to the Governor of each compacting state and territory at such time and for such period as may be required.

The Commission shall, after negotiations with interested institutions, determine the cost of providing the facilities for graduate and professional education for use in its contractual agreements throughout the Region.

On or before the fifteenth day of January of each year, the Commission shall submit to the Governors and Legislatures of the compacting states and territories a report of its activities for the preceding calendar year.

The Commission shall keep accurate books of account, showing in full its receipts and disbursements, and said books of account shall be open at any reasonable time for inspection by the Governor of any compacting state or territory or his designated representative. The Commission shall not be subject to the audit and accounting procedure of any of the compacting states or territories. The Commission shall provide for an independent annual audit.

ARTICLE VIII

It shall be the duty of the Commission to enter into such contractual agreements with any institutions in the Region offering graduate or professional education and with any of the compacting states or territories as may be required in the judgment of the Commission to provide adequate services and facilities of graduate and professional education for the citizens of the respective compacting states or territories. The Commission shall first endeavor to provide adequate services and facilities in the fields of dentistry, medicine, public health, and veterinary medicine, and may undertake similar activities in other professional and graduate fields.

For this purpose the Commission may enter into contractual agreements--

(a) with the governing authority of any educational institution in the Region, or with any compacting state or territory, to provide such graduate or professional educational services upon terms and conditions to be agreed upon between contracting parties, and

(b) with the governing authority of any educational institution in the Region or with any compacting state or territory to assist in the placement of graduate or professional students in educational institutions in the Region providing the desired services and facilities, upon such terms and conditions as the Commission may prescribe.

It shall be the duty of the Commission to undertake studies of needs for professional and graduate educational facilities in the Region, the resources for meeting such needs, and the long-range effects of the Compact on higher education; and from time to time to prepare comprehensive reports on such research for presentation to the Western Governors' Conference and to the legislatures of the compacting states and territories. In conducting such studies, the Commission may confer with any national or regional planning body which may be established. The Commission shall draft and recommend to the Governors of the various compacting states and territories, uniform legislation dealing with problems of higher education in the Region.

For the purposes of this Compact the word "Region" shall be construed to mean the geographical limits of the several compacting states and territories.

ARTICLE IX

The operating costs of the Commission shall be apportioned equally among the compacting states and territories.

ARTICLE X

This Compact shall become operative and binding immediately as to those states and territories adopting it whenever five or more of the states or territories of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming, Alaska and Hawaii have duly adopted it prior to July 1, 1953. This Compact shall become effective as to any additional states or territories adopting thereafter at the time of such adoption.

ARTICLE XI

This Compact may be terminated at any time by consent of a majority of the compacting states or territories. Consent shall be manifested by passage and signature in the usual manner of legislation expressing such consent by the legislature and Governor of such terminating state. Any state or territory may at any time withdraw from this Compact by means of appropriate legislation to that end. Such withdrawal shall not become effective until two years after written notice thereof by the Governor of the withdrawing state or territory accompanied by a certified copy of the requisite legislative action is received by the Commission. Such withdrawal shall not relieve the withdrawing state or territory from its obligations hereunder accruing prior to the effective date of withdrawal. The withdrawing state or territory may rescind its action of withdrawal at any time within the two-year period. Thereafter, the withdrawing state or territory may be reinstated by application to and the approval by a majority vote of the Commission.

ARTICLE XII

If any compacting state or territory shall at any time default in the performance of any of its obligations assumed or imposed in accordance with the provisions of this Compact, all rights, privileges and benefits conferred by this Compact or agreements hereunder shall be suspended from the effective date of such default as fixed by the Commission.

Unless such default shall be remedied within a period of two years following the effective date of such default, this Compact may be terminated with respect to such defaulting state or territory by affirmative vote of three-fourths of the other member states or territories.

Any such defaulting state may be reinstated by: (a) performing all acts and obligations upon which it has heretofore defaulted, and (b) application to and the approval by a majority vote of the Commission.

Approved March 20, 2017

CHAPTER 80
(H.B. No. 113)

AN ACT

RELATING TO TEACHERS; AMENDING SECTION 59-1356, IDAHO CODE, TO PROVIDE THAT A SCHOOL TEACHER OR ADMINISTRATOR WHO RETIRED ON OR AFTER AGE SIXTY YEARS WHO AGAIN BECOMES AN EMPLOYEE MAY CONTINUE RECEIVING BENEFITS AND NOT ACCRUE ADDITIONAL SERVICE UNDER CERTAIN CONDITIONS AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 59-1356, Idaho Code, be, and the same is hereby amended to read as follows:

59-1356. REEMPLOYMENT OF RETIRED MEMBERS. (1) If an early retired member is reemployed with the same employer within ninety (90) days from retiring, or the early retired member is guaranteed reemployment with the same employer, the member shall be considered to have continued in the status of an employee and not to have separated from service. Any retirement allowance payments received by the retired member shall be repaid to the system and the retirement shall be negated. The month of last contribution prior to the negated retirement and the month of initial contribution upon return to reemployment shall be considered consecutive months of contributions in the determination of an appropriate salary base period upon subsequent retirement. A retired member is not considered to have separated from service if he continues performing services for the same employer in any capacity including, but not limited to, independent contractor, leased employee, or temporary services.

(2) Except as provided in subsection (3) of this section, when a retired member meets the definition of an employee as defined in section 59-1302(14) (A) (a), Idaho Code, any benefit payable on behalf of such member shall be suspended and any contributions payable by such member under sections 59-1331 through 59-1334, Idaho Code, shall again commence. The suspended benefit, as adjusted pursuant to section 59-1355, Idaho Code, shall resume upon subsequent retirement, along with a separate allowance computed with respect to only that salary and service credited during the period of reemployment. Any death benefit that becomes payable under the suspended benefit shall be payable under section 59-1361(2), Idaho Code. Any death benefit that becomes payable with respect to salary and service accrued during the period of reemployment shall be payable under section 59-1361(3), Idaho Code, if the member dies during the period of reemployment.

(3) If a retired member, who is receiving a benefit that is not reduced under section 59-1346, Idaho Code, and who has been retired for more than six (6) months, again becomes employed as defined in this section and section 59-1302(14) (A) (b), Idaho Code, as a result of being elected to a public office other than an office held prior to retirement, the retired member may elect to continue receiving benefits and not accrue additional service, in which event no contributions shall be made by the member or employer during such reemployment and any benefit payable on behalf of such member shall continue.

(4) If a retired school teacher or administrator, who retired on or after age sixty-two (62) years and is receiving a benefit that is not reduced under section 59-1346, Idaho Code, again becomes an employee as defined in this section and section 59-1302(14), Idaho Code, as a result of returning to employment with a school district as provided in section 33-1004H, Idaho Code, the retired member may elect to continue receiving benefits and not

accrue additional service, in which event no contributions shall be made by the member during such reemployment and any benefit payable on behalf of such member shall continue. However, the school district shall pay the required employer contribution for that employee to the public employee retirement system.

(5) It is the responsibility of each employer to immediately report to the retirement board the employment of any retired member so that benefit payments can be suspended as provided in this section. If an employer fails to properly report the employment of a retired member and it results in the retirement board making benefit payments that should have been suspended, the employer shall, in addition to paying delinquent employee and employer contributions from the date of eligibility, also be responsible for repaying to the retirement board the benefit payments made to the retired member that should have been suspended, plus interest. The employer may then recoup such payments from the retired member.

(6) For purposes of this section, "same employer" means the employer for which the retired member last worked prior to retirement.

Approved March 20, 2017

CHAPTER 81
(H.B. No. 115)

AN ACT

RELATING TO PHYSICIANS AND SURGEONS; AMENDING SECTION 54-1810, IDAHO CODE, TO REVISE PROVISIONS REGARDING LICENSURE BY EXAMINATION; AND AMENDING SECTION 54-1811, IDAHO CODE, TO REVISE PROVISIONS REGARDING LICENSURE BY ENDORSEMENT.

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

SECTION 1. That Section 54-1810, Idaho Code, be, and the same is hereby amended to read as follows:

54-1810. LICENSURE BY WRITTEN EXAMINATION. Any person seeking to be licensed to practice medicine and surgery or osteopathic medicine or osteopathic medicine and surgery 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 department of law enforcement 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 shall thoroughly test the applicant's fitness to practice medicine. If an applicant fails to pass the examination on two (2) separate occasions, he shall not be eligible to take the examination for at least one (1) year, and before taking the examination again, he must make a showing to the board that he has successfully engaged in a course of study for the pur-

pose of improving his ability to engage in the practice of medicine. Applicants who fail two (2) separate examinations in another state, territory, or district of the United States or Canada, must make the same showing of successful completion of a course of study prior to examination for licensure.

(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.

SECTION 2. That Section 54-1811, Idaho Code, be, and the same is hereby amended to read as follows:

54-1811. LICENSURE BY ENDORSEMENT. Any person seeking to be licensed to practice medicine in this state who is licensed to practice medicine in another state must successfully complete the following requirements before a license to practice medicine 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 and which contains proof that the applicant has any one (1) of the following qualifications:

(a) The applicant is a diplomate of the national board of medical examiners or the national board of examiners for osteopathic physicians and surgeons;

(b) The applicant holds a valid, unrevoked, unsuspended license to practice medicine and surgery, or osteopathic medicine and surgery in a state, territory or district of the United States or Canada, and the applicant demonstrates that he possesses the requisite qualifications to provide the same standard of health care as provided by licensed physicians in this state. The board may require further examination to establish such qualifications.

(2) 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 department of law enforcement 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.

(3) The board may require an applicant to be personally interviewed by the board or a designated committee of the board. The interview shall be limited to a review of the applicant's qualifications and professional credentials.

Approved March 20, 2017

CHAPTER 82
(H.B. No. 128)

AN ACT

RELATING TO MEDICAID; AMENDING SECTION 56-265, IDAHO CODE, TO PROVIDE THAT THE DEPARTMENT MAY ENTER INTO CERTAIN AGREEMENTS REGARDING PAYMENT ARRANGEMENTS WITH PROVIDERS, TO PROVIDE THAT SUCH AGREEMENTS SHALL BE COST-NEUTRAL OR COST-SAVING COMPARED TO OTHER PAYMENT METHODOLOGIES, TO AUTHORIZE THE DEPARTMENT TO PURSUE CERTAIN WAIVER AGREEMENTS WITH THE FEDERAL GOVERNMENT AND TO MAKE A TECHNICAL CORRECTION.

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

SECTION 1. That Section 56-265, Idaho Code, be, and the same is hereby amended to read as follows:

56-265. PROVIDER PAYMENT. (1) Where there is an equivalent, the payment to medicaid providers:

(a) May be up to but shall not exceed one hundred percent (100%) of the current medicare rate for primary care procedure codes as defined by the centers for medicare and medicaid services; and

(b) Shall be ninety percent (90%) of the current medicare rate for all other procedure codes.

(2) Where there is no medicare equivalent, the payment rate to medicaid providers shall be prescribed by rule.

(3) Notwithstanding any other provision of this chapter, if the services are provided to an adolescent by a private, freestanding mental health facility that is an institution for mental disease, the department shall reimburse for those services at ninety-one percent (91%) of the current medicare rate.

(4) The department shall, through the annual budget process, include a line-item request for adjustments to provider rates. All changes to provider payment rates shall be subject to approval of the legislature by appropriation.

(5) Notwithstanding any other provision of this chapter, the department may enter into agreements with providers to pay for services based on their value in terms of measurable health care quality and positive impacts to participant health.

(a) Any such agreement shall be designed to be cost-neutral or cost-saving compared to other payment methodologies.

(b) The department is authorized to pursue waiver agreements with the federal government as needed to support value-based payment arrangements, up to and including fully capitated provider-based managed care.

Approved March 20, 2017

CHAPTER 83
(H.B. No. 132)

AN ACT

RELATING TO MOTOR VEHICLE LAWS; AMENDING SECTION 49-654, IDAHO CODE, TO PROVIDE A MAXIMUM SPEED LIMIT FOR CERTAIN VEHICLES PASSING A VEHICLE TRAVELING LESS THAN THE SPEED LIMIT ON A TWO-LANE ROAD WHERE THE POSTED SPEED LIMIT IS FIFTY-FIVE MILES PER HOUR OR GREATER, WITH LIMITATIONS, AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 49-654, Idaho Code, be, and the same is hereby amended to read as follows:

49-654. BASIC RULE AND MAXIMUM SPEED LIMITS. (1) No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. Consistent with the foregoing, every person shall drive at a safe and appropriate speed when approaching and crossing an intersection or railroad grade crossing, when approaching and going around a curve, when approaching a hillcrest, when traveling upon any narrow or winding highway, and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions.

(2) (a) Where no special hazard or condition exists that requires lower speed for compliance with subsection (1) of this section, the limits as hereinafter authorized shall be maximum lawful speeds, and no person shall drive a vehicle at a speed in excess of the maximum limits:

(ai) Thirty-five (35) miles per hour in any residential, business or urban district, unless otherwise posted in accordance with section 49-207(2) or (3), Idaho Code;

(bii) Seventy-five (75) miles per hour on interstate highways, unless otherwise posted in accordance with section 49-201(4), Idaho Code, and provided that this speed may be increased to eighty (80) miles per hour if the department completes an engineering and traffic study on the interstate highway and concludes that the increase is in the public interest and the transportation board concurs with such conclusion;

(eiii) Sixty-five (65) miles per hour on state highways, unless otherwise posted in accordance with section 49-201(4), Idaho Code, and provided that this speed may be increased to seventy (70) miles per hour if the department completes an engineering and traffic study on the state highway and concludes that the increase is in the public interest and the transportation board concurs with such conclusion;

(div) Fifty-five (55) miles per hour in other locations, unless otherwise posted, up to a maximum of seventy (70) miles per hour.

(b) Subject to all other applicable motor vehicles laws, a driver of a passenger car, motorcycle or pickup truck, not towing any other vehicle, may exceed the posted speed limit by up to fifteen (15) miles per hour while passing another vehicle traveling at less than the posted speed limit, in order to safely pass the vehicle. The overtaking vehicle shall return to the right-hand lane and reduce speed to the posted speed limit as soon as practicable. This paragraph shall be applicable only to passing on the left upon roadways divided into two (2) lanes providing only one (1) lane of traffic in each direction and where the posted speed limit is fifty-five (55) miles per hour or greater. This paragraph shall not be applicable in construction zones. For purposes

of basic rule violations and penalties imposed pursuant to this section and Idaho infraction rule 9, the fifteen (15) mile per hour allowance in passing situations provided in this paragraph shall be deemed to be the maximum speed limit from which fines are determined.

(3) For vehicles with five (5) or more axles operating at a gross weight of more than twenty-six thousand (26,000) pounds the maximum lawful speed limit on interstate highways in nonurban areas shall not exceed ten (10) miles per hour less for vehicles with less than five (5) axles and operating at a gross weight of twenty-six thousand (26,000) pounds or less, and in urban areas the maximum lawful speed limit on interstate highways for such vehicles shall not exceed sixty-five (65) miles per hour.

Approved March 20, 2017

CHAPTER 84
(H.B. No. 185)

AN ACT

RELATING TO ADJUSTMENTS TO TAXABLE INCOME; AMENDING SECTION 63-3022, IDAHO CODE, TO INCREASE THE AMOUNT THAT MAY BE DEDUCTED ANNUALLY TO A COLLEGE SAVINGS PROGRAM, TO REMOVE OBSOLETE LANGUAGE AND TO MAKE A TECHNICAL CORRECTION.

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

SECTION 1. That Section 63-3022, Idaho Code, be, and the same is hereby amended to read as follows:

63-3022. ADJUSTMENTS TO TAXABLE INCOME. The additions and subtractions set forth in this section, and in sections 63-3022A through 63-3022R, Idaho Code, are to be applied to the extent allowed in computing Idaho taxable income:

(a) Add any state and local taxes, as defined in section 164 of the Internal Revenue Code that are measured by net income, or for which a credit is allowable under section 63-3029, Idaho Code, and paid or accrued during the taxable year adjusted for state or local tax refunds used in arriving at taxable income.

(b) Add the net operating loss deduction used in arriving at taxable income.

(c) (1) A net operating loss for any taxable year commencing on and after January 1, 2000, but before January 1, 2013, shall be a net operating loss carryback not to exceed a total of one hundred thousand dollars (\$100,000) to the two (2) immediately preceding taxable years. At the election of the taxpayer, the two (2) year carryback may be ~~foregone~~ forgone and the loss subtracted from income received in taxable years arising in the next twenty (20) years succeeding the taxable year in which the loss arises in order until exhausted. The election shall be made as under section 172(b)(3) of the Internal Revenue Code. An election under this subsection must be in the manner prescribed in the rules of the state tax commission and once made is irrevocable for the year in which it is made.

(2) A net operating loss for any taxable year commencing on or after January 1, 2013, shall be a net operating loss carryback not to exceed a total of one hundred thousand dollars (\$100,000) to the two (2) immediately preceding taxable years only if an amended return carrying the loss back is filed within one (1) year of the end of the taxable year of the net operating loss that results in such carryback.

(3) Any portion of the net operating loss not subtracted from income in the two (2) preceding years may be subtracted from income in the next twenty (20) years succeeding the taxable year in which the loss arises in order until exhausted. The sum of the deductions may not exceed the amount of the net operating loss deduction incurred. The carryback shall be limited to a total of fifty thousand dollars (\$50,000) in the case of an individual filing as married filing separate in the year of the loss.

(4) Net operating losses incurred by a corporation during a year in which such corporation did not transact business in Idaho or was not included in a group of corporations combined under subsection (t) of section 63-3027, Idaho Code, may not be subtracted. However, if at least one (1) corporation within a group of corporations combined under subsection (t) of section 63-3027, Idaho Code, was transacting business in Idaho during the taxable year in which the loss was incurred, then the net operating loss may be subtracted. Net operating losses incurred by a person, other than a corporation, in activities not taxable by Idaho may not be subtracted.

(5) The term "income" as used in this subsection (c) means Idaho taxable income as defined in this chapter as modified by section 63-3021(b) (2), (3) and (4), Idaho Code.

(d) In the case of a corporation, add the amount deducted under the provisions of sections 243(a) and (c), 244, 245 and 246A of the Internal Revenue Code (relating to dividends received by corporations) as limited by section 246(b) (1) of said code.

(e) In the case of a corporation, subtract an amount determined under section 78 of the Internal Revenue Code to be taxable as dividends.

(f) Subtract the amount of any income received or accrued during the taxable year which is exempt from taxation by this state, under the provisions of any other law of this state or a law of the United States, if not previously subtracted in arriving at taxable income.

(g) For the purpose of determining the Idaho taxable income of the beneficiary of a trust or of an estate:

(1) Distributable net income as defined for federal tax purposes shall be corrected for the other adjustments required by this section.

(2) Net operating losses attributable to a beneficiary of a trust or estate under section 642 of the Internal Revenue Code shall be a deduction for the beneficiary to the extent that income from the trust or estate would be attributable to this state under the provisions of this chapter.

(h) In the case of an individual who is on active duty as a full-time officer, enlistee or draftee, with the armed forces of the United States, which full-time duty is or will be continuous and uninterrupted for one hundred twenty (120) consecutive days or more, deduct compensation paid by the armed forces of the United States for services performed outside this state. The deduction is allowed only to the extent such income is included in taxable income.

(i) In the case of a corporation, including any corporation included in a group of corporations combined under subsection (t) of section 63-3027, Idaho Code, add any capital loss or passive loss deducted which loss was incurred during any year in which such corporation did not transact business in Idaho. However, do not add any capital loss deducted if a corporation, including any corporation in a group of corporations combined under subsection (t) of section 63-3027, Idaho Code, was transacting business in Idaho during the taxable year in which the loss was incurred. In the case of persons other than corporations, add any capital loss or passive loss deducted which was incurred in activities not taxable by Idaho at the time such loss was incurred. In computing the income taxable to an S corporation or partnership under this section, deduction shall not be allowed for a carryover or carry-

back of a net operating loss provided for in subsection (c) of this section, a passive loss or a capital loss provided for in section 1212 of the Internal Revenue Code.

(j) In the case of an individual, there shall be allowed as a deduction from gross income either (1) or (2) at the option of the taxpayer:

(1) The standard deduction as defined in section 63, Internal Revenue Code.

(2) Itemized deductions as defined in section 63 of the Internal Revenue Code except state or local taxes measured by net income and general sales taxes as either is defined in section 164 of the Internal Revenue Code.

(k) Add the taxable amount of any lump sum distribution excluded from gross income for federal income tax purposes under the ten (10) year averaging method. The taxable amount will include the ordinary income portion and the amount eligible for the capital gain election.

(l) Deduct any amounts included in gross income under the provisions of section 86 of the Internal Revenue Code relating to certain social security and railroad benefits.

(m) In the case of a self-employed individual, deduct the actual cost of premiums paid to secure worker's compensation insurance for coverage in Idaho, if such cost has not been deducted in arriving at taxable income.

(n) In the case of an individual for any tax period ending on or prior to December 31, 2016, deduct the amount contributed to a college savings program pursuant to chapter 54, title 33, Idaho Code, but not more than four thousand dollars (\$4,000) per tax year. If the contribution is made on or before April 15, 2001, it may be deducted for tax year 2000 and an individual can make another contribution and claim the deduction according to the limits provided in this subsection during 2001 for tax year 2001, as long as the contribution is made on or before December 31, 2001. In the case of an individual and for any tax period starting on or after January 1, 2017, deduct the amount contributed to a college savings program, but not more than six thousand dollars (\$6,000) per tax year. For those married and filing jointly, deduct the amount contributed to a college savings program, but not more than twice of that allowed for an individual. To be qualified for this deduction, the contribution must be made during the taxable year and made to an Idaho college savings program account as described in chapter 54, title 33, Idaho Code.

(o) In the case of an individual, add the amount of a nonqualified withdrawal from an individual trust account or savings account established pursuant to chapter 54, title 33, Idaho Code, less any amount of such nonqualified withdrawal included in the individual's federal gross income pursuant to section 529 of the Internal Revenue Code.

(p) In the case of an individual, add the amount of a withdrawal from an individual trust account or savings account established pursuant to chapter 54, title 33, Idaho Code, transferred to a qualified tuition program, as defined in section 529 of the Internal Revenue Code, that is operated by a state other than Idaho. The addition provided in this subsection is limited to the amount of the contributions to the Idaho individual trust account or savings account by the account owner that were deducted on the account owner's income tax return for the year of the transfer and the prior taxable year.

Approved March 20, 2017

CHAPTER 85
(H.B. No. 208)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF AGRICULTURE FOR FISCAL YEAR 2017 FOR THE METHYL BROMIDE PROJECT; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF AGRICULTURE FOR FISCAL YEAR 2017 FOR ANIMAL TRACKING SOFTWARE; PROVIDING CERTAIN GENERAL FUND REAPPROPRIATION FOR FISCAL YEAR 2017; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to the appropriation made in Section 2, Chapter 314, Laws of 2016, and any other appropriation provided for by law, there is hereby appropriated to the Department of Agriculture, to be used by the Plant Industries Program for the methyl bromide project, the following amounts to be expended for the designated expense classes, from the listed funds for the period July 1, 2016, through June 30, 2017.

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:				
General				
Fund	\$2,000	\$132,700	\$35,200	\$169,900
Federal Grant				
Fund	0	350,000	0	350,000
TOTAL	\$2,000	\$482,700	\$35,200	\$519,900

SECTION 2. In addition to the appropriation made in Section 2, Chapter 314, Laws of 2016, and any other appropriation provided for by law, there is hereby appropriated \$500,000 from the General Fund to the Department of Agriculture, to be used by the Animal Industries Program for animal tracking software, to be expended for operating expenditures, for the period July 1, 2016, through June 30, 2017.

SECTION 3. CERTAIN GENERAL FUND REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Department of Agriculture, the unexpended and unencumbered balance of General Fund moneys as appropriated in Section 2 of this act for fiscal year 2017, to be used for nonrecurring expenditures, for the period July 1, 2017, through June 30, 2018. The reappropriation for the General Fund granted in this section shall be subject to the following provisions: (1) If the unexpended and unencumbered balance in the General Fund on June 30, 2017, is zero, the reappropriation for the General Fund in this section is hereby declared to be null and void; (2) If the unexpended and unencumbered balance in the General Fund on June 30, 2017, is greater than zero but less than the total General Fund reappropriation authority granted to all state agencies, the amount reappropriated in this section shall be in the proportion that the reappropriation of this agency bears to the total General Fund reappropriation authority granted to all state agencies.

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 20, 2017

CHAPTER 86
(S.B. No. 1008)

AN ACT

RELATING TO SURVEYS; AMENDING SECTION 50-1301, IDAHO CODE, TO REVISE A DEFINITION AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 55-1902, IDAHO CODE, TO REVISE A DEFINITION AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 50-1301, Idaho Code, be, and the same is hereby amended to read as follows:

50-1301. DEFINITIONS. The following definitions shall apply to terms used in this section and sections 50-1302 through 50-1334, Idaho Code.

(1) Basis of bearing: The bearing in degrees, minutes and seconds, or equivalent, of a line between two (2) monuments or two (2) monumented corners that serves as the reference bearing for all other lines on the survey;

(2) Easement: A right of use, falling short of ownership, and usually for a certain stated purpose;

(3) Functioning street department: A city department responsible for the maintenance, construction, repair, snow removal, sanding and traffic control of a public highway or public street system which qualifies such department to receive funds from the highway distribution account to local units of government pursuant to section 40-709, Idaho Code;

(4) Idaho coordinate system: That system of coordinates established and designated by chapter 17, title 55, Idaho Code;

(5) Land survey: Measuring the field location of corners that:

(a) Determine the boundary or boundaries common to two (2) or more ownerships;

(b) Retrace or establish land boundaries;

(c) Retrace or establish boundary lines of public roads, streets, alleys or trails; or

(d) Plat lands and subdivisions thereof.

(6) Monument: A physical structure or object that occupies the position of a corner;

(7) Owner: The proprietor of the land (having legal title);

(8) Plat: The drawing, map or plan of a subdivision, cemetery, townsite or other tract of land, or a replatting of such, including certifications, descriptions and approvals;

(9) Private road: A road within a subdivision plat that is not dedicated to the public and not a part of a public highway system;

(10) Public highway agency: The state transportation department, any city, county, highway district or other public agency with jurisdiction over public highway systems and public rights-of-way;

(11) Public land survey corner: Any point actually established and monumented in an original survey or resurvey that determines the boundaries of remaining public lands, or public lands patented, represented on an official plat and in the field notes thereof, accepted and approved under authority

delegated by congress to the U.S. general land office and the U.S. department of the interior, bureau of land management;

(12) Public right-of-way: Any land dedicated and open to the public and under the jurisdiction of a public highway agency, where the public highway agency has no obligation to construct or maintain said right-of-way for vehicular traffic;

(13) Public street: A road, thoroughfare, alley, highway or bridge under the jurisdiction of a public highway agency;

(14) Reference point: A special monumented point that does not occupy the same geographical position as the corner itself and where the spatial relationship to the corner is known and recorded and that serves to locate the corner;

(15) Sanitary restriction: The requirement that no building or shelter which will require a water supply facility or a sewage disposal facility for people using the premises where such building or shelter is located shall be erected until written approval is first obtained from the director of the department of environmental quality or his delegate approving plans and specifications either for public water and/or sewage facilities, or individual parcel water and/or sewage facilities;

(16) Street: A road, thoroughfare, alley, highway or a right-of-way which may be open for public use but is not part of a public highway system nor under the jurisdiction of a public highway agency;

(17) Subdivision: A tract of land divided into five (5) or more lots, parcels, or sites for the purpose of sale or building development, whether immediate or future; provided that this definition shall not include a bona fide division or partition of agricultural land for agricultural purposes. A bona fide division or partition of agricultural land for agricultural purposes shall mean the division of land into lots, all of which are five (5) acres or larger, and maintained as agricultural lands. Cities or counties may adopt their own definition of subdivision in lieu of this definition;

(18) Witness corner: A monumented point on a lot line or boundary line of a survey, near a corner and established in situations where it is impracticable to occupy or monument the corner.

SECTION 2. That Section 55-1902, Idaho Code, be, and the same is hereby amended to read as follows:

55-1902. DEFINITIONS. As used in this chapter:

(1) "Basis of bearing" means the bearing in degrees, minutes and seconds, or equivalent, of a line between two (2) monuments or two (2) monumented corners which that serves as the reference bearing for all other lines on the survey.

(2) "Corner," unless otherwise defined, means a property corner, or a property controlling corner, or a public land survey corner, or any combination of these.

(3) "GPS" is the abbreviation for global positioning system, which is satellite surveying based on observations of the electromagnetic signals broadcast from the U.S. department of defense's NAVSTAR GPS system.

(4) "Idaho coordinate system" shall mean that system of plane coordinates as established and designated by chapter 17, title 55, Idaho Code.

(5) "Land survey" means measuring the field location of corners that:

(a) Determine the boundary or boundaries common to two (2) or more ownerships;

(b) Retrace or establish land boundaries;

(c) Retrace or establish boundary lines of public roads, streets, alleys or trails; or

(d) Plat lands and subdivisions thereof.

(6) "Monument" is a physical structure or object that occupies the exact position of a corner.

(7) "Property controlling corner" for a property is a public land survey corner, property corner, reference point or witness corner that controls the location of one (1) or more of the property corners of the property in question.

(8) "Property corner" is a geographic point on the surface of the earth, and is on, a part of, and controls a property.

(9) "Public land survey corner" is any point actually established and monumented in an original survey or resurvey that determines the boundaries of remaining public lands, or public lands patented, represented on an official plat and in the field notes thereof, accepted and approved under authority delegated by congress to the U.S. general land office and the U.S. department of the interior, bureau of land management.

(10) "Reference point" means a special monumented point that does not occupy the same geographical position as the corner itself, and where the spatial relationship to the corner is known and recorded, and that serves to locate the corner.

(11) "Surveyor" shall mean every person authorized by the state of Idaho to practice the profession of land surveying.

Approved March 20, 2017

CHAPTER 87
(S.B. No. 1011)

AN ACT

RELATING TO JUVENILE CORRECTIONS; AMENDING SECTION 20-533A, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 20-533A, Idaho Code, be, and the same is hereby amended to read as follows:

20-533A. COMPLIANCE WITH OPEN MEETINGS LAW -- EXECUTIVE SESSIONS AUTHORIZED -- CONFIDENTIALITY OF RECORDS. (1) All meetings of the custody review board of the Idaho department of juvenile corrections shall be held in accordance with the open meetings law as provided in chapter 23, title 674, Idaho Code, provided however:

(a) Deliberations and decisions of the board concerning whether or not a juvenile offender shall be held in custody of the Idaho department of juvenile corrections for an extended period of time past his or her nineteenth birthday may be made in executive session; and

(b) Votes of individual members in custody decisions shall not be made public, provided that the board shall maintain a record of the votes of the individual members as required in subsection (2) of this section.

(2) A written record of the vote to retain the juvenile offender in custody for an extended period of time by each board member in each case reviewed by that member shall be produced by the board. Such record shall be kept confidential and privileged from disclosure, provided the record shall be made available upon request 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.

(3) A board member or employee of the Idaho department of juvenile corrections who distributes to any person not specifically listed in this section any hearing information or records that are legally required to be kept confidential shall be guilty of a misdemeanor.

(4) Nothing contained in this section shall prevent any person from obtaining the results of any action by the board or director of the Idaho de-

partment of juvenile corrections without reference to the manner in which any member voted, and the board shall make such information public unless doing so would violate public records laws.

(5) Nothing contained in this section shall prevent the director, designated staff of the director, the governor, the chairman of the senate judiciary and rules committee or the chairman of the house of representatives judiciary, rules and administration committee from attending any meeting, including any executive session, of the custody review board.

Approved March 20, 2017

CHAPTER 88
(S.B. No. 1029)

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-5104, IDAHO CODE, TO PROVIDE FOR SCHOOL COUNSELING SERVICES REGARDING THE GRANTING OF CAREER TECHNICAL CREDITS; AND AMENDING SECTION 33-5109, IDAHO CODE, TO AUTHORIZE A SCHOOL DISTRICT TO GRANT CREDIT FOR CAREER TECHNICAL COURSES.

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

SECTION 1. That Section 33-5104, Idaho Code, be, and the same is hereby amended to read as follows:

33-5104. COUNSELING. To the extent possible, the school district shall provide counseling services to pupils and their parents or guardians before the pupil enrolls in courses under the provisions of this chapter to ensure that the pupil and parents or guardian are fully aware of the risks and possible consequences of enrolling in postsecondary courses. Counseling services shall include information on the program including who may enroll, what institutions and sources are available under this program, the decision-making process for granting academic or career technical credits, financial arrangements for tuition, books and materials, eligibility criteria for transportation aid, available support services, the need to arrange an appropriate schedule, consequences of failing or not completing a course in which the pupil enrolls, the effect of enrolling in this program on the pupil's ability to complete the required high school graduation requirements, financial aid and the academic and social responsibilities that must be assumed by the pupil and the parents or guardian. The person providing counseling shall encourage pupils and their parents or guardian to also use available counseling services at the postsecondary institutions prior to the semester of enrollment to ensure that anticipated plans are appropriate and adequate.

SECTION 2. That Section 33-5109, Idaho Code, be, and the same is hereby amended to read as follows:

33-5109. CREDITS. (1) A pupil may enroll in a course under the provisions of this chapter for secondary credit, for postsecondary credit or for dual credit. At the time a pupil enrolls in a course, the pupil shall designate the type of credit desired. A pupil taking several courses may designate some for secondary credit, some for postsecondary credit and some for dual credit.

(2) A school district shall grant academic or career technical credit, as applicable to the course, to a pupil enrolled in a course for secondary credit if the pupil successfully completes the course. Four (4) semester college credits equal at least one (1) full year (two (2) semester credits)

of high school credit in that subject. Fewer college credits may be pro-rated.

(3) The secondary credits granted to a pupil shall be counted toward the graduation requirements and subject area requirements of the school district. Evidence of successful completion of each course and secondary credits granted shall be included in the pupil's secondary school record. A pupil shall provide the school with a copy of the pupil's grade in each course taken for secondary credit under the provisions of this chapter. Upon the request of a pupil, the pupil's secondary school record shall also include evidence of successful completion and credits granted for a course taken for postsecondary credit. In either case, the record shall indicate that the credits were earned at a postsecondary institution.

(4) If a pupil enrolls in a postsecondary institution after leaving secondary school, the postsecondary institution shall award postsecondary credit for any course successfully completed for secondary credit at that institution. Other postsecondary institutions may award, after a pupil leaves secondary school, postsecondary credit for any courses successfully completed under the provisions of this chapter. An institution shall not charge a pupil for the award of credit.

(5) Postsecondary faculty instructing a course for postsecondary, secondary or dual credit shall not be required to obtain a certificate pursuant to chapter 12, title 33, Idaho Code, nor shall the postsecondary faculty be deemed an employee of a school district for any purpose under law.

Approved March 20, 2017

CHAPTER 89
(S.B. No. 1034, As Amended)

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-910, IDAHO CODE, TO REMOVE A REQUIREMENT FOR A BROADBAND INFRASTRUCTURE IMPROVEMENT GRANT, TO REVISE THE DUTY OF THE STATE BOARD OF EDUCATION TO PROMULGATE CERTAIN RULES 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 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 shall create and make available a grant application form for moneys in the fund. The state department 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. ~~In order to receive moneys from the fund, the contract for such construction project must contain a provision that the constructing provider of~~

~~the project will make any dark fiber laid pursuant to the contract available for use by any other provider.~~

(3) The state board of education shall 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 its passage and approval.

Approved March 20, 2017

CHAPTER 90
(S.B. No. 1035)

AN ACT

RELATING TO THE ENDOWMENT FUND INVESTMENT BOARD; AMENDING SECTION 57-719, IDAHO CODE, TO REVISE DAILY COMPENSATION PROVIDED TO MEMBERS OF THE ENDOWMENT FUND INVESTMENT BOARD; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 57-719, Idaho Code, be, and the same is hereby amended to read as follows:

57-719. BOARD -- APPOINTMENT OF MEMBERS -- TERM -- REMOVAL -- VACANCIES -- ORGANIZATION -- QUORUM -- MEETINGS -- COMPENSATION. The members of the board appointed by the governor shall serve for terms of four (4) years, provided that for the first term the governor shall appoint three (3) members who shall serve for a term of two (2) years, two (2) members who shall serve for a term of three (3) years, and two (2) members who shall serve for a term of four (4) years. Members of the board shall serve until their successors have been selected and qualified.

A member of the board appointed by the governor shall not hold an office, position, or employment in a political party, with the exception of those members from the house of representatives and the senate. An appointed member may be removed from the board for cause by a two-thirds (2/3) vote of the full board.

A vacancy in the appointive membership of the board during a term thereof shall be filled by appointment by the governor for the unexpired term.

There shall be a chairman of the board elected by a majority of the members of the board. A majority of the members of the board shall constitute a quorum for the transaction of business.

The meetings of the board shall be held at least quarterly and at other times upon the call of the chairman or a majority of the board. The board members appointed hereunder shall be compensated as provided by section 59-509(~~hn~~), 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 20, 2017

CHAPTER 91
(S.B. No. 1055)

AN ACT

RELATING TO PERSONNEL; AMENDING SECTION 67-5309D, IDAHO CODE, TO AUTHORIZE THE DIRECTOR AND ADMINISTRATOR OF THE DIVISION OF HUMAN RESOURCES TO SEEK CERTAIN LEGAL REMEDIES REGARDING RECRUITMENT OR RETENTION BONUSES AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 67-5309D, Idaho Code, be, and the same is hereby amended to read as follows:

67-5309D. OTHER PAY DELIVERY OPTIONS. (1) In addition to pay increases authorized in section 67-5309B, Idaho Code, the department director may grant a classified employee bonus pay not to exceed two thousand dollars (\$2,000) in any given fiscal year based upon exemplary performance. Exceptions to the two thousand dollar (\$2,000) limit provided in this subsection ~~(1)~~ may be granted in extraordinary circumstances if approved in advance by the state board of examiners. Departments shall submit a report to the division of financial management and the legislative services office by October 1 on all bonuses granted in the preceding fiscal year.

(2) In addition to pay increases authorized in section 67-5309B, Idaho Code, the department director may grant a classified employee an award payment based upon suggestions or recommendations made by the employee which that resulted in taxpayer savings as a result of cost savings or greater efficiencies to the department or to the state of Idaho in excess of the amount of the award, and in compliance with the rules for employee suggestion awards promulgated by the division of human resources. The award may be an amount up to twenty-five percent (25%) of the amount determined to be the dollar savings to the state, but not in excess of two thousand dollars (\$2,000). Exceptions to the two thousand dollar (\$2,000) limit provided in this subsection ~~(2)~~ may be granted in extraordinary circumstances if approved in advance by the state board of examiners. Departments shall submit a report to the division of financial management and the legislative services office by October 1 on all employee suggestion awards granted in the preceding fiscal year. Such report shall include any changes made as a direct result of an employee's suggestion and savings resulting therefrom.

(3) In addition to pay increases authorized in section 67-5309B, Idaho Code, the department director may grant award pay to a classified employee for recruitment or retention purposes upon completion of at least six (6) months of achieving performance standards. The department director and the administrator of the division of human resources are authorized to seek legal remedies available, including deductions from an employee's accrued vacation funds, from an employee who resigns during the designated period of time after receipt of a recruitment or retention bonus. Departments shall submit a report to the division of financial management and the legislative services office by October 1 on all such awards granted in the preceding fiscal year.

(4) In addition to pay increases authorized in section 67-5309B, Idaho Code, department directors may provide a classified employee other nonperformance related pay as provided in this subsection (4). Departments shall submit a report to the division of financial management and the legislative services office by October 1 on all such awards granted in the preceding fiscal year.

(a) Shift differential pay up to twenty-five percent (25%) of hourly rates depending on local market rates in order to attract and retain qualified staff.

(b) Geographic differential pay in areas of the state where recruitment and retention of qualified staff are difficult due to economic conditions and cost of living.

(c) Employees in the same classification who are similarly situated shall be treated consistently in respect to shift differential and geographic pay differential.

(5) When necessary to obtain or retain qualified personnel in a particular classification, upon petition of the department to the administrator containing acceptable reasons therefor, a higher temporary pay grade may be authorized by the administrator which that, if granted, shall be reviewed annually to determine the need for continuance.

(6) In unusual circumstances, with prior approval from the administrators of the division of human resources and the division of financial management, agencies may grant nonperformance related pay to employees, which in no case may exceed five percent (5%) of an employee's base pay. Departments shall submit a report to the division of financial management and the legislative services office by October 1 on all such awards granted in the preceding fiscal year.

(7) Specific pay codes shall be established and maintained in the state controller's office to ensure accurate reporting and monitoring of all pay actions authorized in this section.

Approved March 20, 2017

CHAPTER 92
(S.B. No. 1059)

AN ACT

RELATING TO MASTER EDUCATOR PREMIUMS; AMENDING SECTION 33-1004I, IDAHO CODE, TO REVISE TERMINOLOGY, TO EXTEND MASTER EDUCATOR PREMIUM ELIGIBILITY TO PUPIL SERVICE STAFF EMPLOYEES UNDER CERTAIN CONDITIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-1004F, IDAHO CODE, AS AMENDED BY SECTION 9, CHAPTER 229, LAWS OF 2015, TO REVISE TERMINOLOGY; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 33-1004I, Idaho Code, be, and the same is hereby amended to read as follows:

33-1004I. ~~MASTER TEACHER~~ EDUCATOR PREMIUMS. (1) A portion of the moneys available to the education support program shall be distributed per full-time equivalent instructional staff position employed by each school district. Such moneys shall be paid to instructional staff employees who have earned a ~~master teacher educator~~ designation by meeting the minimum qualifications set forth in subsection (2) of this section and the additional qualifications developed or adopted by the employing school district pursuant to subsection (3) of this section, in an amount set forth in subsection (4) of this section.

(2) The minimum qualifications for an instructional staff or a pupil service staff employee to earn a master teacher educator designation shall be as follows:

(a) The An instructional staff or pupil service staff employee must have eight (8) or more years of teaching experience provided that the three (3) years immediately preceding the award must be continuous and in Idaho. The remainder of the teaching experience making up the eight (8) years must have been earned in Idaho or in a compact-member state pursuant to section 33-4101, Idaho Code;

(b) The An instructional staff or pupil service staff employee must demonstrate mastery of instructional techniques for not less no fewer than three (3) of the previous five (5) years of instruction through:

- (i) Artifacts demonstrating evidence of effective teaching; and
- (ii) Successful completion of an annual individualized professional learning plan; and

(c) A majority of the an instructional staff employee's students must meet measurable student achievement as defined in section 33-1001, Idaho Code, for not less no fewer than three (3) of the previous five (5) years.

(d) A majority of a pupil service staff employee's students must meet measurable student achievement or measurable student success indicators, as defined in section 33-1001, Idaho Code, for no fewer than three (3) of the previous five (5) years.

(3) In addition to the minimum qualifications for a master teacher educator designation set forth in subsection (2) of this section:

(a) Local school districts may develop and require additional qualifications showing demonstrated mastery of instructional techniques and professional practice through multiple measures, provided that such qualifications shall be developed by a committee consisting of teachers, administrators and other school district stakeholders and shall first be approved by the state board of education;

(b) Local school districts may develop plans that recognize groups of teachers based on measurable student achievement goals aligned with school district approved continuous improvement plans. Groups may be school-wide or may be smaller groups such as grade levels or by subject matter. Each teacher in a master teacher educator group shall receive a master teacher educator premium if goals are met according to the district plans. Plans shall be developed by a committee consisting of teachers, administrators and other school district stakeholders and shall first be approved by the state board of education. Any school district that does not follow their preapproved plan shall not receive future master teacher educator premium dollars; or

(c) If a local school district has not developed qualifications pursuant to paragraph (a) or (b) of this subsection, then the eligible school district shall adopt and require additional qualifications staff may apply to the state board of education by showing demonstrated mastery of instructional techniques and professional practice through multiple measures as developed by a committee facilitated by the state board of education consisting of teachers, administrators and other stakeholders, which measures shall be approved by the state board of education.

(4) The amount of the master teacher educator premium paid to a qualified instructional staff employee shall be four thousand dollars (\$4,000) each year for three (3) years starting with the initial award of the master teacher educator premium. After the third year of receiving the master teacher educator premium, the instructional staff employee must continue to demonstrate that he or she meets the master teacher educator premium qualifications in each subsequent year. If the qualifications are not met, then

the premium will be discontinued until such time as the qualifications are met.

(5) Local school district boards of trustees may provide master teacher educator premiums to instructional staff employees consistent with the provisions of this section.

(6) For the purposes of this section, the term "school district" also means "public charter school" and the term "board of trustees" also means "board of directors."

(7) The state board of education may promulgate rules implementing the provisions of this section.

SECTION 2. That Section 33-1004F, Idaho Code, as amended by Section 9, Chapter 229, Laws of 2015, be, and the same is hereby amended to read as follows:

33-1004F. OBLIGATIONS TO RETIREMENT AND SOCIAL SECURITY BENEFITS. Based upon the actual salary-based apportionment, as determined in section 33-1004E, Idaho Code, the master teacher educator premiums distributed pursuant to section 33-1004I, Idaho Code, and the leadership premiums distributed pursuant to section 33-1004J, Idaho Code, there shall be allocated that amount required to meet the employer's obligations to the public employee retirement system and to social security.

SECTION 3. This act shall be in full force and effect on and after July 1, 2019.

Approved March 20, 2017

CHAPTER 93
(S.B. No. 1060)

AN ACT

RELATING TO HEALTH CARE; AMENDING CHAPTER 10, TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 56-1055, IDAHO CODE, TO PROVIDE THAT THE STATE DEPARTMENT OF HEALTH AND WELFARE SHALL MAKE AVAILABLE CERTAIN INFORMATION REGARDING CYTOMEGALOVIRUS.

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

SECTION 1. That Chapter 10, 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 56-1055, Idaho Code, and to read as follows:

56-1055. CYTOMEGALOVIRUS INFORMATION. (1) The department shall make available the following information to the public, particularly pregnant women and women who may become pregnant:

- (a) Incidence of cytomegalovirus (CMV);
- (b) Transmission of CMV;
- (c) Birth defects caused by congenital CMV;
- (d) Available preventive measures; and
- (e) Other information relating to CMV deemed pertinent by the department.

(2) The department shall make available the information described in subsection (1) of this section to:

- (a) Health care providers licensed under title 54, Idaho Code, offering care to pregnant women and infants;

- (b) Daycare and child care programs and facilities licensed under title 39, Idaho Code, and persons employed by such programs or facilities;
- (c) School districts and persons offering health care or health education in a school district;
- (d) Religious, ecclesiastical or denominational organizations offering children's programs as part of their services, and persons employed or volunteering for such programs; and
- (e) Other persons and entities that would benefit from such information, as determined by the department.

Approved March 20, 2017

CHAPTER 94
(S.B. No. 1064)

AN ACT

RELATING TO IRRIGATION; AMENDING SECTION 43-1101, IDAHO CODE, TO REVISE FEE PROVISIONS REGARDING PETITIONS FOR EXCLUSION; AMENDING SECTION 43-1104, IDAHO CODE, TO REVISE THE TIME IN WHICH HEARINGS ARE TO BE HELD REGARDING PETITIONS FOR EXCLUSION, TO REQUIRE PAYMENT OF OUTSTANDING ASSESSMENTS, TO PROVIDE FOR LIENS AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 43-1107, IDAHO CODE, TO REVISE PROVISIONS REGARDING EXCEPTIONS TO PAYMENT OF COSTS ASSOCIATED WITH EXCLUSION OF LAND, TO CLARIFY VERBIAGE, TO REVISE THE TIME IN WHICH HEARINGS ARE TO BE HELD AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 43-1101, Idaho Code, be, and the same is hereby amended to read as follows:

43-1101. PETITION. Any person or persons owning land within any irrigation district and forming a part thereof may file with the board of directors of such irrigation district a petition in writing requesting the exclusion of the land or lands owned by them and described in the petition from the irrigation district. As many parties owning separate tracts or parcels of lands in any irrigation district or who are united in interest to which the same state of facts apply, may unite in the same petition. The petition shall be signed by all of the petitioners, but need not be acknowledged. A filing fee in the amount of five dollars (\$5.00) for each parcel of land described in the petition shall accompany the filing of each petition, plus an exclusion fee in the amount of twenty-five dollars (\$25.00) for each lot containing less than one (1) acre which is in a subdivision as defined in section 50-1301, Idaho Code, or an exclusion fee of fifty dollars (\$50.00) for each parcel containing less than one (1) acre that is not in a subdivision, or an exclusion fee of fifty dollars (\$50.00) for each acre ~~or~~ and additional portion thereof in all other parcels of property, for which the district shall provide a suitable receipt evidencing payment. Any petition not accompanied by the required filing fee and exclusion fee shall be returned to the petitioner. All other costs of the exclusion proceeding shall be assessed as provided in section 43-1105. The filing fee and the exclusion fee are borne by the petitioner and are not potentially apportionable costs as provided in sections 43-1105, 43-1106 and 43-1107, Idaho Code.

A person or persons purchasing land under a written contract shall be deemed to be the owners of that land for purposes of this section.

SECTION 2. That Section 43-1104, Idaho Code, be, and the same is hereby amended to read as follows:

43-1104. HEARING ON PETITION -- ORDER OF EXCLUSION. The board of directors of the irrigation district may conduct its own investigation of the facts alleged in the petition and, by resolution duly adopted, which may address the allegations of several petitions, accept the facts as alleged and determine that no hearing is required prior to granting the petition or petitions for exclusion. If the allegations are not thus accepted such petition must be heard by the board of directors of such irrigation district within ninety one hundred fifty (90150) days of filing of the petition. If no hearing is held within ninety one hundred fifty (90150) days, the land described in the petition is excluded from the district. If a hearing is ordered, the petitioner or petitioners must establish by competent evidence the allegations of the petition, and the chairman or presiding member of the board is hereby empowered to administer oaths for the purpose of the hearing.

When (1) the board of directors accepts the facts as alleged without a hearing, or (2) the allegations of the petition are established at a hearing, or (3) the land has been excluded by reason of the board's failure to hold a hearing within ninety one hundred fifty (90150) days of filing of the petition, the board must make an order forthwith changing the boundaries of such district so as to exclude the lands described in the petition which the proof has established to be entitled to exclusion, and thereafter the lands so excluded shall not form a part of the irrigation district for any purpose except as provided in subsection (b) of section 43-1102, Idaho Code; provided, however, that the lands so ordered excluded shall not be relieved of their obligation to pay their proportionate share of any existing bonded or contract indebtedness of the irrigation district, and the lands shall remain a part of the irrigation district for the purpose of discharging the existing bonded or contract indebtedness.

No hearing shall be held when, prior to the date set for the hearing, the board issues an order excluding the land described in the petition from the district.

When land is excluded from the district pursuant to a petition filed on or before December 1 in any calendar year, assessments against the land for any calendar year subsequent to the year in which the petition was filed shall not be valid and no lien for any such attempted assessment shall attach under section 43-706, Idaho Code. Petitioners are, however, required to pay any outstanding assessments levied the calendar year and prior in which the petition is filed and said lien shall attach until said assessments are paid.

SECTION 3. That Section 43-1107, Idaho Code, be, and the same is hereby amended to read as follows:

43-1107. COSTS. The costs of excluding any land as provided in this chapter shall be borne by the petitioner or petitioners except in cases where:

(1) The lands excluded are found to be too high or not susceptible of irrigation from the water system of the district without pumping by the landowner and the petitioner or previous owners of the land have paid the assessments of the district against that land; or

(2) The exclusion is requested under subsection (a)3. or (a)4. of section 43-1102, Idaho Code, and for the five (5) irrigation seasons preceding the filing of the petition (a) there has been no pipe, ditch or other delivery system between the land and the assigned delivery point on the district's irrigation system, and (b) the petitioner or previous owners of the land have paid the assessments of the district against that land. If the petitioner is required to pay the costs of exclusion hearing proceedings, the board may require a deposit of the estimated costs before they will hear the petition and the ninety one hundred fifty (90150) day period in which the petition must be heard as provided in section 43-1104, Idaho Code, shall not begin to run until the estimated costs have been deposited; provided, however, that, in

case of a successful appeal by the petitioner, the costs taxed by the district to the petitioner or petitioners whose lands are excluded by the district court shall be borne by the irrigation district. If the actual costs of the exclusion proceedings are less than the amount deposited by the petitioner, the excess deposit shall be credited against any amounts which are to be paid by the petitioner prior to entry of the order of exclusion, and the balance, if any, shall be refunded to the petitioner within fourteen (14) days after the hearing; if the actual costs of the exclusion proceedings are more than the deposit, the difference shall be paid to the district by the petitioner within fourteen (14) days after receipt of a statement to that effect from the district, and the board shall not be required to enter an order of exclusion until the difference is paid.

Approved March 20, 2017

CHAPTER 95
(S.B. No. 1075)

AN ACT

RELATING TO INSURANCE; AMENDING SECTION 41-3812, IDAHO CODE, TO REVISE PROVISIONS REGARDING DIVIDENDS AND OTHER DISTRIBUTIONS.

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

SECTION 1. That Section 41-3812, Idaho Code, be, and the same is hereby amended to read as follows:

41-3812. DIVIDENDS AND OTHER DISTRIBUTIONS. (1) No domestic insurer shall pay any extraordinary dividend or make any other extraordinary distribution to its shareholders until thirty (30) days after the director has received notice of the declaration thereof and has not within that period disapproved the payment, or until the director has approved the payment within the thirty (30) day period. For purposes of this section, an extraordinary dividend or distribution includes any dividend or distribution of cash or other property, whose fair market value together with that of other dividends or distributions made within the preceding twelve (12) months exceeds the lesser of:

- (a) Ten percent (10%) of the insurer's surplus regarding policyholders as of December 31 of the year immediately preceding; or
- (b) The net gain from operations of the insurer, if the insurer is a life insurer, or the net income, if the insurer is not a life insurer, not including net realized capital gains or losses, for the twelve (12) month period ending December 31 of the year immediately preceding, but shall not include pro rata distributions of any class of the insurer's own securities.

In determining whether a dividend or distribution is extraordinary, an insurer other than a life insurer may carry forward net income from the previous two (2) calendar years that has not already been paid out as dividends. This carryforward shall be computed by taking the net income from the second and third preceding calendar years, not including net realized capital gains or losses, less dividends paid in the second and immediate preceding calendar years. Notwithstanding any other provision of law, an insurer may declare an extraordinary dividend or distribution that is conditional upon the director's approval, and the declaration shall confer no rights upon shareholders until the director has approved the payment of the dividend or distribution or until the director has not disapproved payment within the thirty (30) day period referred to in this subsection.

(2) A domestic insurer that is a member of a holding company system shall notify the director in writing of any nonextraordinary dividends to be paid or other distributions to be made to shareholders within five (5) business days following the declaration of the dividend or distribution, and shall notify the director in writing at least ten (10) days, commencing from the date of receipt by the director, prior to the payment of any dividends or the making of any other distribution.

Approved March 20, 2017

CHAPTER 96
(S.B. No. 1080)

AN ACT

RELATING TO PROPERTY TAXES; AMENDING SECTION 63-811, IDAHO CODE, TO REMOVE LANGUAGE SPECIFYING THE DATE AFTER WHICH A COUNTY AUDITOR MUST DELIVER A MISSED PROPERTY ROLL TO THE TAX COLLECTOR.

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

SECTION 1. That Section 63-811, Idaho Code, be, and the same is hereby amended to read as follows:

63-811. COMPUTATION OF PROPERTY TAXES -- DUTY OF COUNTY AUDITOR. (1) The county auditor must cause to be computed the amount of the local property taxes levied on the total of the taxable value as entered on the property and operating property rolls, and must deliver the property and operating property rolls to the tax collector on or before the first Monday of November.

(2) The county auditor must cause to be computed the amount of the local property taxes levied on the total of the taxable value as entered on the subsequent property roll, and must deliver the subsequent property roll to the tax collector as soon as possible, without delay, after the first Monday of December.

(3) The county auditor must cause to be computed the amount of the state property tax and the amount of the local property taxes levied on the total taxable value as entered on the missed property roll, and must deliver the missed property roll to the tax collector as soon as possible, without delay, ~~after the first Monday of March of~~ in the year following the year in which the assessment was entered on the missed property roll.

(4) Except as provided in subsection (1)(a) through (e) of section 50-2908, Idaho Code, for the purpose of this section, "taxable value" shall mean the portion of the equalized assessed value, less any exemptions and the value that exceeds the value of the base assessment roll for the portion of any taxing district within a revenue allocation area of an urban renewal district, located within each taxing district which certifies a budget to be raised from a property tax levy.

(5) The county auditor, at the time of delivery to the county tax collector of the property roll, subsequent property roll, missed property roll or operating property roll with all property taxes computed, must subscribe an affidavit to such roll that he has to the best of his knowledge and ability computed the proper amount of property taxes due, and recorded such orders of the board of equalization as have been made and has made no other changes.

(6) Failure of the auditor to make the affidavit shall not affect the validity of any entry on the roll. The making of such affidavit, however, is declared to be a duty pertaining to the office of the county auditor. In every case where the said affidavit is omitted from the real property assessment roll, completed and delivered as aforesaid, the board of county commissioners must require the county auditor to make the same, and upon refusal or

neglect of such county auditor to make and subscribe to such affidavit forthwith, the chairman of the said board must immediately file in the district court in the county, an information in writing, verified by his oath, charging such county auditor with refusal or neglect to perform the official duties pertaining to his office, and thereupon he must be proceeded against as in such cases provided by law.

Approved March 20, 2017

CHAPTER 97
(S.B. No. 1081)

AN ACT
RELATING TO THE IMMUNIZATION ASSESSMENT BOARD; AMENDING SECTION 1, CHAPTER 153, LAWS OF 2015, TO EXTEND THE SUNSET DATE.

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

SECTION 1. That Section 1, Chapter 153, Laws of 2015, be, and the same is hereby amended to read as follows:

SECTION 4. The provisions of this Chapter 60, Title 41 shall be null, void and of no force and effect on and after July 1, 20179.

Approved March 20, 2017

CHAPTER 98
(S.B. No. 1084)

AN ACT
RELATING TO IRRIGATION DISTRICTS; AMENDING SECTION 43-711, IDAHO CODE, TO INCREASE THE COUNTY RECORDER FILING FEE FOR THE FILING OF DELINQUENCY LISTS.

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

SECTION 1. That Section 43-711, Idaho Code, be, and the same is hereby amended to read as follows:

43-711. DELINQUENCY LIST -- FILING OF CERTIFIED COPY. On or before the fourth Monday of July of the year succeeding the year in which such assessments were levied, the treasurer shall file a certified copy of the delinquency list as provided in the preceding section with the county recorder of the county in which the lands covered by the various delinquent assessments are located, which list shall be kept with the records of said county recorder in a book to be furnished by the district designated, "Record of Delinquent Assessments . . . Irrigation District." Upon receiving such certified list, the recorder shall enter the same on his reception book and be entitled to a filing fee of ~~two~~ twenty-five dollars (\$25.00) therefor.

Approved March 20, 2017

CHAPTER 99
(S.B. No. 1085)

AN ACT

RELATING TO THE BOARD OF COUNTY COMMISSIONERS; PROVIDING LEGISLATIVE INTENT; AND AMENDING SECTION 31-710, IDAHO CODE, TO REVISE A PROVISION REGARDING NOTIFICATION OF MEETINGS OF THE BOARD AND TO REMOVE A PROVISION REGARDING PUBLIC NOTICE FOR CERTAIN MEETINGS.

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

SECTION 1. LEGISLATIVE INTENT. It is the intent of the Legislature to clarify which meeting notification requirements apply to boards of county commissioners. Section 31-710, Idaho Code, requires a county to provide five days' notice for special meetings. On the other hand, Section 74-204, Idaho Code, requires only a twenty-four hour notice for special meetings. In determining which notice requirement applied to these special meetings, the Idaho Supreme Court in *Nelson v. Boundary County*, 109 Idaho 205, 208 (Ct. App. 1985) held that the twenty-four hour provision applied because that notice provision was enacted later in time. By enacting this legislation, the Legislature intends to remove any confusion and to clarify that the notice requirements of Chapter 2, Title 74, Idaho Code, apply to county commissioners.

SECTION 2. That Section 31-710, Idaho Code, be, and the same is hereby amended to read as follows:

31-710. MEETINGS. (1) The regular meetings of the boards of commissioners must be held at their respective county seats on the second Monday of each month of the year, or if the board determines that county affairs require regular meetings more often, then at such times as may be provided for in advance by ordinance, and must continue from time to time until all the business before them has been addressed. Such other meetings must be held, to canvass election returns, equalize taxation, and for other purposes as are prescribed by law or provided for by the board.

(2) Adjourned meetings may be provided for, fixed and held for the transaction of business, by an order duly entered of record, in which must be specified the character of business to be transacted at such meetings, and none other than that specified must be transacted.

~~(3) If at any time after the adjournment of a regular meeting the business Notifications of the county requires a meetings of the board, a special meeting may shall be ordered by a majority of the board. The order must be entered of record, and five (5) days' notice thereof must, by the clerk, be given to each member not joining in the order. The order must specify the business to be transacted, and none other than that specified must be transacted at such special meeting held in accordance with the open meetings law as provided in chapter 2, title 74, Idaho Code.~~

(4) All meetings of the board must be public, and the books, records, and accounts must be kept at the office of the clerk, open at all times for public inspection, free of charge. ~~The clerk of the board must give five (5) days' public notice of all special or adjourned meetings, stating the business to be transacted, by posting three (3) notices in conspicuous places, one (1) of which shall be at the courthouse door.~~

Approved March 20, 2017

CHAPTER 100
(S.B. No. 1091)

AN ACT

RELATING TO LIMITED LIABILITY COMPANIES; AMENDING SECTION 30-25-701, IDAHO CODE, TO REMOVE PROVISIONS REGARDING THE DISSOLUTION OF A LIMITED LIABILITY COMPANY.

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

SECTION 1. That Section 30-25-701, Idaho Code, be, and the same is hereby amended to read as follows:

30-25-701. EVENTS CAUSING DISSOLUTION. (a) A limited liability company is dissolved, and its activities and affairs must be wound up, upon the occurrence of any of the following:

- (1) An event or circumstance that the operating agreement states causes dissolution;
 - (2) The affirmative vote or consent of all the members;
 - (3) The passage of ninety (90) consecutive days during which the company has no members unless before the end of the period:
 - (A) Consent to admit at least one (1) specified person as a member is given by transferees owning the rights to receive a majority of distributions as transferees at the time the consent is to be effective; and
 - (B) At least one (1) person becomes a member in accordance with the consent;
 - (4) On application by a member, the entry by the district court of an order dissolving the company on the grounds that:
 - (A) The conduct of all or substantially all the company's activities and affairs is unlawful; or
 - (B) It is not reasonably practicable to carry on the company's activities and affairs in conformity with the certificate of organization and the operating agreement;
 - ~~(i) Have acted, are acting, or will act in a manner that is illegal or fraudulent; or~~
 - ~~(ii) Have acted or are acting in a manner that is oppressive and was, is, or will be directly harmful to the applicant; or~~
 - (C) The managers or those members in control of the company:
 - (i) Have acted, are acting, or will act in a manner that is illegal or fraudulent; or
 - (ii) Have acted or are acting in a manner that is oppressive and was, is, or will be directly harmful to the applicant; or
 - (5) The signing and filing of a statement of administrative dissolution by the secretary of state under section 30-25-708, Idaho Code.
- (b) In a proceeding brought under subsection (a) (4) (B) of this section, the court may order a remedy other than dissolution.

Approved March 20, 2017

CHAPTER 101
(S.B. No. 1112)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF AGRICULTURE FOR FISCAL YEAR 2017; AUTHORIZING ADDITIONAL FULL-TIME EQUIVALENT POSITIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to the appropriation made in Section 2, Chapter 314, Laws of 2016, and any other appropriation provided for by law, there is hereby appropriated to the Department of Agriculture, to be used by the Plant Industries Program for watercraft inspection stations, the following amounts to be expended from the designated expense classes, from the listed funds for the period July 1, 2016, through June 30, 2017:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
General					
Fund	\$75,000	\$20,000		\$615,000	\$710,000
Invasive Species					
Fund	<u>140,300</u>	<u>14,600</u>	<u>\$1,600</u>	<u>143,500</u>	<u>300,000</u>
TOTAL	\$215,300	\$34,600	\$1,600	\$758,500	\$1,010,000

SECTION 2. FTP AUTHORIZATION. The full-time equivalent position authorization provided to the Department of Agriculture in Section 3, Chapter 314, Laws of 2016, is increased by three (3) for the period July 1, 2016, through June 30, 2017.

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 20, 2017

CHAPTER 102
(S.B. No. 1115)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE IDAHO STATE POLICE FOR THE BRAND INSPECTION PROGRAM FOR FISCAL YEAR 2017 TO PROVIDE FOR LIVESTOCK SOFTWARE; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES FOR FISCAL YEAR 2018; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to the appropriation made in Section 1, Chapter 180, Laws of 2016, and any other appropriation provided for by law, there is hereby appropriated to the Idaho State Police for the Brand Inspection Program \$250,000 from the General Fund to be expended for operating expen-

ditures, for the period July 1, 2016, through June 30, 2017, for the purpose of developing and implementing livestock software.

SECTION 2. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Idaho State Police for the Brand Inspection Program any unexpended and unencumbered balances of moneys as appropriated in Section 1 of this act for fiscal year 2017, to be used for nonrecurring expenditures related to livestock software, for the period July 1, 2017, through June 30, 2018.

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 20, 2017

CHAPTER 103
(S.B. No. 1116)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF CORRECTION FOR FISCAL YEAR 2017; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF CORRECTION FOR THE MANAGEMENT SERVICES PROGRAM FOR FISCAL YEAR 2017 TO PROVIDE FOR AN EVALUATION AND ATTORNEY'S FEES; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF CORRECTION FOR THE MANAGEMENT SERVICES PROGRAM FOR FISCAL YEAR 2017 TO PROVIDE FOR AN EVALUATION; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF CORRECTION FOR THE MEDICAL SERVICES PROGRAM FOR FISCAL YEAR 2017 TO PROVIDE FOR CONTRACT COSTS; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF CORRECTION FOR THE COUNTY AND OUT-OF-STATE PLACEMENT PROGRAM FOR FISCAL YEAR 2017 DUE TO CONTRACT SAVINGS; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF CORRECTION FOR THE CORRECTIONAL ALTERNATIVE PLACEMENT PROGRAM FOR FISCAL YEAR 2017 DUE TO CONTRACT SAVINGS; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to the appropriation made in Section 1, Chapter 335, Laws of 2016, and any other appropriation provided for by law, there is hereby appropriated to the Department of Correction for the Management Services Program \$370,500 from the General Fund to be expended for operating expenditures, for the period July 1, 2016, through June 30, 2017, for the purpose of paying for an evaluation and attorney's fees.

SECTION 2. In addition to the appropriation made in Section 1, Chapter 335, Laws of 2016, and any other appropriation provided for by law, there is hereby appropriated to the Department of Correction for the Management Services Program \$185,000 from the Inmate Labor Fund to be expended for operating expenditures, for the period July 1, 2016, through June 30, 2017, for the purpose of paying for an evaluation.

SECTION 3. In addition to the appropriation made in Section 1, Chapter 335, Laws of 2016, and any other appropriation provided for by law, there is hereby appropriated to the Department of Correction for the Medical Services Program \$134,900 from the General Fund to be expended for operating expenditures, for the period July 1, 2016, through June 30, 2017, for the purpose of paying for contracted medical services.

SECTION 4. Notwithstanding any other provision of law to the contrary, the appropriation made to the Department of Correction for the County and

Out-of-State Placement Program in Section 1, Chapter 335, Laws of 2016, from the General Fund, is hereby reduced by \$907,300 for operating expenditures, for the period July 1, 2016, through June 30, 2017, due to contract savings.

SECTION 5. Notwithstanding any other provision of law to the contrary, the appropriation made to the Department of Correction for the Correctional Alternative Placement Program in Section 1, Chapter 335, Laws of 2016, from the General Fund, is hereby reduced by \$164,400 for operating expenditures, for the period July 1, 2016, through June 30, 2017, due to contract savings.

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 20, 2017

CHAPTER 104
(S.B. No. 1127)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF FINANCE FOR FISCAL YEAR 2018; PROVIDING LEGISLATIVE INTENT FOR THE MORTGAGE RECOVERY FUND; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the Department of Finance, the following amounts to be expended for the designated expense classes, from the listed funds for the period July 1, 2017, through June 30, 2018:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:				
State Regulatory				
Fund	\$6,481,400	\$1,691,900	\$82,000	\$8,255,300
Mortgage Recovery				
Fund		50,000		50,000
Securities Investor Training				
Fund	<u>50,000</u>	<u>0</u>	<u>0</u>	<u>50,000</u>
TOTAL	\$6,531,400	\$1,741,900	\$82,000	\$8,355,300

SECTION 2. LEGISLATIVE INTENT. The Department of Finance is hereby granted continuous appropriation authority for reimbursement of persons to whom an Idaho court awards actual damages resulting from acts constituting violations of the Idaho Residential Mortgage Practices Act by a mortgage broker, mortgage lender or mortgage loan originator who was licensed or required to be licensed according to Section 26-31-109, Idaho Code.

SECTION 3. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Finance is authorized no more than sixty-six (66) full-time equivalent positions at any point during the period July 1, 2017, through June 30, 2018, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved March 20, 2017

CHAPTER 105
(S.B. No. 1128)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF INSURANCE FOR FISCAL YEAR 2018;
AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the Department of Insurance, the following amounts to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2017, through June 30, 2018:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. INSURANCE REGULATION:				
FROM:				
Insurance Administrative				
Fund	\$4,923,600	\$2,770,300	\$121,500	\$7,815,400
Federal Grant				
Fund	<u>279,300</u>	<u>398,100</u>	<u>0</u>	<u>677,400</u>
TOTAL	\$5,202,900	\$3,168,400	\$121,500	\$8,492,800
II. STATE FIRE MARSHAL:				
FROM:				
Arson, Fire and Fraud Prevention				
Fund	\$798,300	\$336,200	\$63,300	\$1,197,800
GRAND TOTAL	\$6,001,200	\$3,504,600	\$184,800	\$9,690,600

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Insurance is authorized no more than seventy-six and five-tenths (76.5) full-time equivalent positions at any point during the period July 1, 2017, through June 30, 2018, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved March 20, 2017

CHAPTER 106
(S.B. No. 1129)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF LABOR FOR FISCAL YEAR 2017; APPROPRIATING MONEYS TO THE DEPARTMENT OF LABOR FOR FISCAL YEAR 2018; APPROPRIATING AND TRANSFERRING MONEYS TO THE WORKFORCE DEVELOPMENT TRAINING FUND; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to the appropriation made in Section 1, Chapter 221, Laws of 2016, and any other appropriation provided for by law, there is hereby appropriated from the Miscellaneous Revenue Fund to the Department of Labor, for the Career Information Systems Program, the following amounts to be expended for the designated expense classes, for the period July 1, 2016, through June 30, 2017:

FOR:

Operating Expenditures	\$18,000
Trustee and Benefit Payments	<u>62,000</u>
TOTAL	\$80,000

SECTION 2. There is hereby appropriated to the Department of Labor, the following amounts to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2017, through June 30, 2018:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. UNEMPLOYMENT INSURANCE ADMINISTRATION:					
FROM:					
Unemployment Penalty and Interest					
Fund	\$1,889,000	\$2,111,000			\$4,000,000
Miscellaneous Revenue					
Fund	2,179,800	4,223,300			6,403,100
Federal Grant					
Fund	<u>20,245,000</u>	<u>1,358,700</u>	<u>\$566,000</u>	<u>\$500,000</u>	<u>22,669,700</u>
TOTAL	\$24,313,800	\$7,693,000	\$566,000	\$500,000	\$33,072,800

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
II. EMPLOYMENT SERVICES:					
FROM:					
Unemployment Penalty and Interest					
Fund	\$1,317,300	\$376,000	\$749,000		\$2,442,300
Employment Security Special Administration					
Fund	363,000	2,318,600			2,681,600
Workforce Development Training					
Fund	995,600	379,700		\$7,684,500	9,059,800
Miscellaneous Revenue					
Fund	490,900	220,800			711,700
Federal Grant					
Fund	<u>24,584,500</u>	<u>8,866,900</u>	<u>0</u>	<u>11,000,000</u>	<u>44,451,400</u>
TOTAL	\$27,751,300	\$12,162,000	\$749,000	\$18,684,500	\$59,346,800
III. WAGE AND HOUR:					
FROM:					
General					
Fund	\$276,400	\$64,800			\$341,200
Unemployment Penalty and Interest					
Fund	220,300	72,200			292,500
Miscellaneous Revenue					
Fund	<u>0</u>	<u>10,600</u>			<u>10,600</u>
TOTAL	\$496,700	\$147,600			\$644,300
IV. CAREER INFORMATION SERVICES:					
FROM:					
Unemployment Penalty and Interest					
Fund	\$291,000	\$207,200			\$498,200
Employment Security Special Administration					
Fund	82,200	46,000			128,200
Miscellaneous Revenue					
Fund	<u>107,600</u>	<u>90,900</u>		<u>\$62,000</u>	<u>260,500</u>
TOTAL	\$480,800	\$344,100		\$62,000	\$886,900

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
V. HUMAN RIGHTS COMMISSION:					
FROM:					
Unemployment Penalty and Interest					
Fund		\$187,300			\$187,300
Employment Security Special Administration					
Fund	\$745,200				745,200
Miscellaneous Revenue					
Fund		700			700
Federal Grant					
Fund	<u>0</u>	<u>258,300</u>			<u>258,300</u>
TOTAL	\$745,200	\$446,300			\$1,191,500
VI. SERVE IDAHO:					
FROM:					
Unemployment Penalty and Interest					
Fund	\$43,000	\$36,700			\$79,700
Miscellaneous Revenue					
Fund		56,400			56,400
Federal Grant					
Fund	<u>209,000</u>	<u>248,300</u>		<u>\$2,050,000</u>	<u>2,507,300</u>
TOTAL	\$252,000	\$341,400		\$2,050,000	\$2,643,400
GRAND TOTAL	\$54,039,800	\$21,134,400	\$1,315,000	\$21,296,500	\$97,785,700

SECTION 3. There is hereby appropriated to the Department of Labor and the State Controller shall transfer \$2,500,000 from the General Fund to the Workforce Development Training Fund, on July 1, 2017, or as soon thereafter as practicable, for the period July 1, 2017, through June 30, 2018.

SECTION 4. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Labor is authorized no more than seven hundred (700) full-time equivalent positions at any point during the period July 1, 2017, through June 30, 2018, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, the provisions of Section 1 of this act shall be in full force and effect on and after passage and approval.

Approved March 20, 2017

CHAPTER 107
(S.B. No. 1134)

AN ACT

APPROPRIATING MONEYS TO THE OFFICE OF SPECIES CONSERVATION FOR FISCAL YEAR 2018; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the Office of Species Conservation, the following amounts to be expended for the designated expense classes, from the listed funds for the period July 1, 2017, through June 30, 2018:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:				
General				
Fund	\$475,600	\$812,800		\$1,288,400
Miscellaneous Revenue				
Fund		15,000		15,000
Federal Grant				
Fund	<u>629,700</u>	<u>198,400</u>	<u>\$12,000,000</u>	<u>12,828,100</u>
TOTAL	\$1,105,300	\$1,026,200	\$12,000,000	\$14,131,500

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Office of Species Conservation is authorized no more than twelve and sixty-three hundredths (12.63) full-time equivalent positions at any point during the period July 1, 2017, through June 30, 2018, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved March 20, 2017

CHAPTER 108
(S.B. No. 1135)

AN ACT

APPROPRIATING MONEYS TO THE ENDOWMENT FUND INVESTMENT BOARD FOR FISCAL YEAR 2018; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING A CONTINUOUS APPROPRIATION FOR CERTAIN COSTS; AND EXPRESSING LEGISLATIVE INTENT REGARDING THE TRANSFER OF MONEYS FROM THE EARNINGS RESERVE FUNDS TO THE INCOME FUNDS.

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

SECTION 1. There is hereby appropriated to the Endowment Fund Investment Board, the following amounts to be expended for the designated expense classes, from the listed funds for the period July 1, 2017, through June 30, 2018:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:				
Miscellaneous Revenue				
Fund	\$68,100	\$13,600	\$600	\$82,300
Endowment Earnings Administrative				
Fund	<u>490,100</u>	<u>180,100</u>	<u>1,100</u>	<u>671,300</u>
TOTAL	\$558,200	\$193,700	\$1,700	\$753,600

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Endowment Fund Investment Board is authorized no more than three and seven-tenths (3.7) full-time equivalent positions at any point during the period July 1, 2017, through June 30, 2018, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. The Endowment Fund Investment Board is hereby granted continuous appropriation authority for consulting fees, bank custodial fees, and portfolio-related external costs for the period July 1, 2017, through June 30, 2018.

SECTION 4. LEGISLATIVE INTENT. It is the intent of the Legislature that for fiscal year 2018, the Endowment Fund Investment Board transfer \$73,483,200 as follows: \$47,049,600 from the Public School Earnings Reserve Fund to the Public School Income Fund; \$1,347,600 from the Agricultural College Earnings Reserve Fund to the Agricultural College Income Fund; \$5,544,000 from the Charitable Institutions Earnings Reserve Fund to the Charitable Institutions Income Fund; \$4,262,400 from the Normal School Earnings Reserve Fund to the Normal School Income Fund; \$1,965,600 from the Penitentiary Earnings Reserve Fund to the Penitentiary Income Fund; \$4,708,800 from the Scientific School Earnings Reserve Fund to the Scientific School Income Fund; \$4,562,400 from the Mental Hospital Earnings Reserve Fund to the Mental Hospital Income Fund; and \$4,042,800 from the University Earnings Reserve Fund to the University Income Fund.

Approved March 20, 2017

CHAPTER 109
(S.B. No. 1031)

AN ACT

RELATING TO VETERANS; AMENDING SECTION 65-208, IDAHO CODE, TO PROVIDE FOR THE VETERANS TRANSPORTATION FUND GRANT PROGRAM, TO REMOVE REFERENCE TO A VOUCHER SYSTEM AND TO MAKE A TECHNICAL CORRECTION.

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

SECTION 1. That Section 65-208, Idaho Code, be, and the same is hereby amended to read as follows:

65-208. TRANSPORTATION OF WHEELCHAIR-BOUND VETERANS -- CREATION OF VETERANS TRANSPORTATION FUND GRANT PROGRAM. (1) Legislative intent. A transportation network operated by volunteers provides veterans in the state of Idaho with van transportation to and from medical appointments. Due to insurance and liability issues, this network is unable to transport disabled veterans who are confined to wheelchairs. As a result, wheelchair-bound veterans must hire private vans with wheelchair lifts in order to obtain medical treatment. As provided in this section, the veterans transportation fund grant program is intended to financially assist these disabled veterans in obtaining necessary transportation.

(2) Veterans transportation fund grant program. There is hereby created and established in the state treasury a fund to be known as the "veterans transportation fund," which shall consist of such funds as may be appropriated for that purpose by the legislature, grants, donations or moneys from other sources. The veterans transportation fund grant program shall be administered by the division of veterans services, as created in section 65-201, Idaho Code, in order to provide grant moneys for a voucher system for transportation services for wheelchair-bound veterans who need transportation to and from medical appointments, or transportation for purposes of meeting the basic needs or other necessities of daily life as set forth in rule. The division may award grants or enter into agreements with transportation vendors, or enter into agreements with others to administer grants or the transportation services authorized by this section. Moneys in the fund may be expended pursuant to appropriation. Any interest earned on the investment of idle moneys in the fund shall be returned to the fund.

Approved March 24, 2017

CHAPTER 110
(S.B. No. 1039, As Amended)

AN ACT

RELATING TO THE EMPLOYMENT SECURITY LAW; AMENDING SECTION 72-1345A, IDAHO CODE, TO PROVIDE THAT IDAHO CAREER INFORMATION STAFF ARE CLASSIFIED EMPLOYEES AND TO PROVIDE FOR A ONETIME IRREVOCABLE ELECTION.

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

SECTION 1. That Section 72-1345A, Idaho Code, be, and the same is hereby amended to read as follows:

72-1345A. IDAHO CAREER INFORMATION SYSTEM. The Idaho career information system is hereby established within the department to provide current and accurate occupational, educational and related career information to

help Idaho citizens understand the link between educational preparation and work, explore education and career alternatives, and successfully seek work. The Idaho career information system shall be responsible for carrying out the duties required by section 118 of the Carl D. Perkins career and technical education act of 2006 (20 U.S.C. 2328(c)), as amended. All moneys received by the Idaho career information system for its products and services shall be deposited in the career information system account, which is hereby established in the state treasury, subject to appropriation. Employees of the Idaho career information system shall be nonclassified classified employees exempt from under the provisions of chapter 53, title 67, Idaho Code. An employee in the career information system (CIS) bureau of the Idaho department of labor who is designated nonclassified as of July 1, 2017, may make a onetime irrevocable election to remain nonclassified until vacating the position. Such an election must be made no later than August 1, 2017, at which time the position will automatically convert to classified. When the position is designated classified, it is subject to the provisions of chapter 53, title 67, Idaho Code. The workforce development council established pursuant to section 72-1336, Idaho Code, shall serve as an advisory body to the department on matters related to the Idaho career information system.

Approved March 24, 2017

CHAPTER 111

(S.B. No. 1043, As Amended in the House)

AN ACT

RELATING TO MOTOR VEHICLES; AMENDING SECTION 49-110, IDAHO CODE, TO REVISE A DEFINITION; AMENDING SECTION 49-1010, IDAHO CODE, TO REVISE CERTAIN EXCEPTIONS TO WIDTHS OF VEHICLES; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 49-110, Idaho Code, be, and the same is hereby amended to read as follows:

49-110. DEFINITIONS -- I. (1) "Identifying number" means:

(a) Motor number. That identifying number stamped on the engine of a vehicle.

(b) Vehicle identification number. The numbers and letters, if any, placed on a vehicle by the manufacturer for the purpose of identifying the vehicle.

(2) "Implements of husbandry" means every vehicle including self-propelled units, designed or adapted and used exclusively in agricultural, horticultural, dairy and livestock growing and feeding operations when being incidentally operated. Such implements include, but are not limited to, combines, discs, dry and liquid fertilizer spreaders, cargo tanks, harrows, hay balers, harvesting and stacking equipment, pesticide applicators, plows, swathers, mint tubs and mint wagons, and farm wagons. A farm tractor when attached to or drawing any implement of husbandry shall be construed to be an implement of husbandry. "Implements of husbandry" do not include semitrailers, nor do they include motor vehicles or trailers, unless their design limits their use to agricultural, horticultural, dairy or livestock growing and feeding operations.

(3) "Incidentally operated" means the transport of the implement of husbandry from one (1) farm operation to another.

(4) "Individual record" means a record containing personal information about a designated person who is the subject of the record as identified in a request for information.

(5) "Infraction" means a civil public offense, not constituting a crime, which is not punishable by incarceration and for which there is no right to a trial by jury or right to court-appointed counsel, and which is punishable by only a penalty not exceeding three hundred dollars (\$300) and no imprisonment.

(6) "Instruction permits":

(a) "Class A, B or C instruction permit." (See "Commercial learner's permit," section 49-104, Idaho Code)

(b) "Class D driver's training instruction permit" means a temporary privilege to operate a class D motor vehicle while attending classes as an enrollee of a public or private driver's training course only; is available to a person aged fourteen and one-half (14 1/2) years and older; is issued to the instructor of the driver's training course; is issued and expires pursuant to the provisions of section 49-307, Idaho Code; and the permittee is subject to the conditions specified in section 49-307, Idaho Code.

(c) "Class D instruction permit" means a temporary privilege to operate a class D motor vehicle which is available to a person under the age of seventeen (17) years who has successfully completed an approved driver's training course and has satisfied the requirements of a class D supervised instruction permit, or to any person seventeen (17) years of age or older; is valid for a period of one hundred eighty (180) days or as provided in section 49-305, Idaho Code, if applicable; privileges are limited to driving with a person who is at least eighteen (18) years of age who holds a valid class D driver's license and is actually occupying a seat beside the permittee; is issued pursuant to the provisions of section 49-305, Idaho Code; and the permittee is subject to the conditions specified in section 49-305, Idaho Code.

(d) "Class D supervised instruction permit" means a temporary privilege to operate a class D motor vehicle which is available to a person who is at least fourteen and one-half (14 1/2) years of age who has successfully completed an approved driver's training course. No person may apply for a class D driver's license until he has attained the age of at least fifteen (15) years and has successfully satisfied the requirements of this permit, as specified and issued pursuant to the provisions of section 49-307, Idaho Code.

(7) "Instructor" means any person, whether acting for himself as operator of a commercial driver training school or for such a school for compensation, who teaches, conducts classes of, gives demonstrations to, or supervises practice of, persons learning to operate or drive motor vehicles.

(8) "Insurer" means any insurer, public or private, which shall include, but not be limited to, insurance companies domiciled in the state of Idaho, agents, adjuster or any other person acting on behalf of any insurance not domiciled in the state of Idaho and any self-insured entity operating under Idaho insurance laws or rules.

(9) "International registration plan" means a registration reciprocity agreement among the states of the United States and provinces of Canada providing for payment of registration and licensing fees on a proportional basis determined by the fleet miles operated in the various jurisdictions.

(10) "Intersection" means:

(a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two (2) highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

(b) Where a highway includes two (2) roadways thirty (30) feet or more apart, then every crossing of each roadway of the divided highway by an intersecting highway shall be regarded as a separate intersection. In the event an intersecting highway also includes two (2) roadways thirty (30) feet or more apart, then every crossing of two (2) roadways of the highways shall be regarded as a separate intersection.

(c) The junction of an alley with a street or highway shall not constitute an intersection.

SECTION 2. That Section 49-1010, Idaho Code, be, and the same is hereby amended to read as follows:

49-1010. SIZE OF VEHICLES AND LOADS. No vehicle shall exceed the dimensions specified below, except that certain devices determined by the board as necessary for the safe and efficient operation of motor vehicles, including energy conservation devices, shall be excluded from the calculation of width or length.

(1) The width of a vehicle, including any load thereon, except as noted below, shall not exceed 8 1/2 feet.

(a) The limitations as to size of vehicles stated in this section shall not apply to farm tractors or to implements of husbandry, including any load thereon, or any trailer not wider than the implement of husbandry used in the transportation of implements of husbandry for agricultural operations, and including all equipment used in land leveling operations, when being incidentally operated upon the highway from one (1) farm operation to another during daylight hours.

(b) The limitations as to size of vehicles shall not apply to farmers or their designated agents, or equipment dealers transporting implements of husbandry and equipment listed in paragraph (a) of this subsection for the purpose of:

(i) The repair or maintenance of such implements of husbandry and equipment when traveling to or from a farm to a repair or maintenance facility during daylight hours; or

(ii) The purchase, ~~or sale~~, lease or rental of such implements of husbandry and equipment when traveling to or from a dealership, auction house or other facility during daylight hours.

(c) Notwithstanding the exemption from width limitation for farm tractors included in paragraph (a) of this subsection, the total outside width of any farm tractor being transported on the interstate system in this state, except as permitted by section 49-1004, Idaho Code, shall not exceed 9 feet.

(d) A farm tractor or implement of husbandry, when being incidentally transported upon the highway with a width in excess of the limits of paragraphs (a) and (c) of this subsection, must display one (1) red or fluorescent orange flag a minimum of twelve (12) by twelve (12) inches on the outermost left projection of the tractor or implement being transported.

(2) The height of a vehicle, including the load thereon, shall not exceed 14 feet.

(3) The length of a vehicle, or vehicle combination, except as noted below shall not exceed:

(a) When a single motor vehicle 45 feet.

(b) When a trailer or semitrailer, except as noted below 48 feet.

1. Semitrailers operating on routes determined by the board to have severe curvature, deficient width and/or heavy traffic conditions shall be limited to an overall combination length not to exceed 65 feet.

2. The length of a trailer tongue, or the length of the tongue of a converter gear used to convert a semitrailer to a trailer, shall be excluded from the calculation of a trailer length.

3. Semitrailers operating on routes which are a part of the national network as set forth in 23 CFR 658, on routes providing access between the national network and terminals and facilities for food, fuel, repairs and rest which are located within one (1) road mile of the national network and state highways as set forth by policy and approved by the transportation board shall not exceed a length of 53 feet.

(c) When a motor vehicle and one (1) or more trailers, except as noted in subsection (3) (b), (3) (d) and (3) (e) of this section 75 feet.

(d) When a combination of semitrailer and trailer, or of two (2) semitrailers the length in such combination, including the connecting tongue and excluding the truck tractor except as noted below .. 61 feet.

When the combination of semitrailer and trailer or of two (2) semitrailers including the connecting tongues exceeds sixty-one (61) feet, the length of such combination including the truck tractor 75 feet.

(e) When a combination of a semitrailer and trailer, or of two (2) semitrailers operating on routes on the national network as set forth in 23 CFR 658, and on routes providing access between the national network and terminals and facilities for food, fuel, repairs and rest which are located within one (1) road mile of the national network, the length, including the connecting tongue and excluding the truck tractor, shall not exceed 68 feet.

(f) When a dromedary tractor with semitrailer, stinger-steered by having the kingpin located five (5) feet to the rear of the centroid of the rear axle(s) 75 feet.

(g) When a dromedary combination transporting class 1 explosive materials and/or any munitions-related security material as specified by the U.S. department of defense in compliance with 49 CFR 177.835, not meeting the stinger-steer requirement as defined in subsection (3) (f) of this section, up to 75 feet.

(h) When a dromedary tractor with semitrailer, not meeting the stinger-steer requirement as defined in subsection (3) (f) of this section 65 feet.

(i) When a boat transporter, stinger-steered as defined in subsection (3) (f) of this section, excluding front and rear overhang of load 75 feet.

(j) When an auto transporter, stinger-steered as defined in subsection (3) (f) of this section, excluding front and rear overhang of load 80 feet.

(k) When an auto transporter or boat transporter, not meeting the stinger-steer requirement as defined in subsection (3) (f) of this section, excluding front and rear overhang of load 65 feet.

(l) When a truck tractor with stinger-steered pole trailer or log dolly, connected by a reach or pole, or a combination used for transporting long loads such as poles, pipes, logs or structural members generally capable of sustaining themselves as beams between supporting bunks or connections 75 feet.

(4) The overhang or extension of a load shall not extend:

(a) Beyond the front of a vehicle, more than 4 feet.

(b) Beyond the end of a vehicle, more than 10 feet.

(c) Beyond the left fender of a passenger vehicle, more than ... 0 feet.

(d) Beyond the right fender of a passenger vehicle, more than 6 inches.

(e) To the front of a boat transporter, more than 3 feet.

(f) To the rear of a boat transporter, more than 4 feet.

(g) To the front of an auto transporter, more than 4 feet.

- (h) To the rear of an auto transporter, more than 6 feet.
- (5) Noncargo-carrying devices necessary for the safe and efficient operation of the vehicle, as determined by the board, shall not be included in measurement for length.
- (6) No combination shall include more than three (3) units except when a saddlemount combination and the overall length allowed is:
 - (a) On the national network 97 feet.
 - (b) Other than the national network 75 feet.
- (7) Vehicle combinations consisting of not more than four (4) vehicle units with an overall length in excess of the limits of subsection (3) of this section and with an overall combination length not to exceed one hundred fifteen (115) feet, may be operated by permit on routes designated for such operations by the public highway agency having jurisdiction over that highway system, subject to the following restrictions as to lengths of cargo-carrying units:
 - (a) Truck tractor and two (2) trailing units 95 feet.
 - (b) Truck tractor and three (3) trailing units 95 feet.
 - (c) Truck and two (2) trailing units 98 feet.

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 24, 2017

CHAPTER 112
(S.B. No. 1045)

AN ACT

RELATING TO THE IDAHO GLOBAL ENTREPRENEURIAL MISSION COUNCIL; AMENDING SECTION 67-4726, IDAHO CODE, TO ALLOW FOR SUBCOMMITTEES OF THE IDAHO GLOBAL ENTREPRENEURIAL MISSION COUNCIL, TO PROVIDE MEMBERSHIP OF THE SUBCOMMITTEES, TO PROVIDE POWERS AND DUTIES, AND TO MAKE A TECHNICAL CORRECTION.

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

SECTION 1. That Section 67-4726, Idaho Code, be, and the same is hereby amended to read as follows:

67-4726. IDAHO GLOBAL ENTREPRENEURIAL MISSION COUNCIL -- APPOINTMENT OF MEMBERS -- QUALIFICATIONS. (1) The state of Idaho recognizes that the health and expansion of Idaho's future economy will depend upon taking full advantage of research and technology, and that Idaho has impressive resources for innovation-based growth, internationally recognized university research programs, globally competitive innovation companies and the Idaho national laboratory.

The IGEM council is hereby created to advise the department of commerce, the state board of education, state colleges and universities, and other state, local, federal and private sector agencies and organizations on innovation interests and potentials; to support the development and publishing of information on the condition and importance of innovation to the state's economy; to assist with the development and implementation of a state strategic plan for innovation; and to assist with the coordination of local, state and federal interests to increase the positive economic impact of the state's innovation resources.

(2) The council shall be appointed by and serve at the pleasure of the governor. Membership of the council shall include individuals knowledgeable and experienced in innovation issues. The council shall include: four (4) representatives from the private sector who have expertise in the transfer and commercialization of technology, the director of the department of commerce, one (1) member of the state board of education, one (1) representative from the Idaho national laboratory or the center for advanced energy studies, and one (1) representative each from Boise state university, Idaho state university, and the university of Idaho. The president pro tempore of the senate and the speaker of the house of representatives, or their designees, shall serve as members of the council. The governor shall designate a chairman from the council's ~~private-sector~~ private sector membership (unless otherwise specified at the governor's discretion) and the council shall designate such other officers from its membership as it deems necessary.

(3) The chairman, the director of the department of commerce and the state board of education member of the council shall serve as the executive committee of the council.

(4) The council may establish subcommittees with up to nine (9) members comprised of both council and non-council members to provide strategic direction to the council, to research policy issues or to advise the council on funding decisions. Recommendations by the subcommittees are subject to final approval by the council.

(5) The council shall be staffed and supported by the department of commerce. Members of the council, or any subcommittee, who are not state employees shall be compensated for actual and necessary expenses as provided by section 59-509(b), Idaho Code.

Approved March 24, 2017

CHAPTER 113
(S.B. No. 1047)

AN ACT

RELATING TO SUBMERSIBLE WELL PUMPS; AMENDING SECTION 54-1001A, IDAHO CODE, TO REVISE A REFERENCE TO THE NATIONAL ELECTRICAL CODE; DECLARING AN EMERGENCY; AND PROVIDING A SUNSET DATE.

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

SECTION 1. That Section 54-1001A, Idaho Code, be, and the same is hereby amended to read as follows:

54-1001A. SUBMERSIBLE WELL PUMPS. (1) Listed submersible well pumps are approved for use in lakes, rivers, ponds and streams in Idaho. Articles 110.3(A), 110.3(B) and 682.10 of the national electrical code relating to specific use of the pumps shall not apply, nor shall this section affect any electric supplier as set forth in section 61-332A, Idaho Code.

(2) The division of building safety is hereby directed to promulgate rules governing the use, inspection and safety of submersible well pumps in Idaho's lakes, rivers, ponds and streams.

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.

SECTION 3. The provisions of this act shall be null, void and of no force and effect on and after March 31, 2018.

Approved March 24, 2017

CHAPTER 114
(S.B. No. 1049)

AN ACT

RELATING TO INSURANCE; AMENDING SECTION 41-1088, IDAHO CODE, TO REVISE PROVISIONS REGARDING PORTABLE ELECTRONICS INSURANCE AND TO MAKE A TECHNICAL CORRECTION.

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

SECTION 1. That Section 41-1088, Idaho Code, be, and the same is hereby amended to read as follows:

41-1088. TERMINATION OF PORTABLE ELECTRONICS INSURANCE. Notwithstanding any other provision of law:

(1) An insurer may terminate or otherwise change the terms and conditions of a policy of portable electronics insurance only upon providing the policyholder and enrolled customers with at least thirty (30) days' notice.

(2) If the insurer changes the terms and conditions, then the insurer shall provide the vendor policyholder with a revised policy or endorsement and each enrolled customer with a revised certificate, endorsement, updated brochure or other evidence indicating that a change in the terms and conditions has occurred and a summary of material changes. An enrolled customer shall be entitled to reject any change to the terms and conditions or cancel coverage, and the person who paid the premium shall receive a pro rata refund or credit of any applicable unearned premium within sixty (60) days of the receipt of notice from the customer that he wishes to cancel coverage.

(3) Notwithstanding subsection (1) of this section, an insurer may terminate an enrolled customer's enrollment under a portable electronics insurance policy upon fifteen (15) days' notice for discovery of fraud or material misrepresentation in obtaining coverage or in the presentation of a claim thereunder.

(4) Notwithstanding subsection (1) of this section, an insurer may immediately terminate an enrolled customer's enrollment under a portable electronics insurance policy:

(a) For nonpayment of premium;

(b) If the enrolled customer ceases to have an active service with the vendor of portable electronics; or

(c) If an enrolled customer exhausts the aggregate limit of liability under the terms of the portable electronics insurance policy and the insurer sends notice of termination to the enrolled customer within thirty (30) calendar days after exhaustion of the limit. However, if notice is not timely sent, enrollment shall continue notwithstanding the aggregate limit of liability until the insurer sends notice of termination to the enrolled customer and specifies the date of such termination.

(5) Where a portable electronics insurance policy is terminated by a policyholder, the policyholder shall mail or deliver written notice to each enrolled customer advising the enrolled customer of the termination of the policy and the effective date of termination. The written notice shall be mailed or delivered to the enrolled customer at least thirty (30) days prior

to the termination, and any unearned premium shall be returned to the policyholder within sixty (60) days of such termination.

(6) An enrolled customer may cancel enrollment for coverage under a portable electronics insurance policy at any time, and the person paying the premium shall receive a pro rata refund or credit of any applicable unearned premium within sixty (60) days of the receipt of notice of cancellation from the customer.

(7) Whenever notice or correspondence with respect to a policy of portable electronics insurance is required pursuant to the provisions of this section or is otherwise required by law, it shall be in writing and sent within the required notice period, if any, specified within the statute or regulation requiring the notice or correspondence. Notwithstanding any other provision of law, notices and correspondence may be sent either by mail or by electronic means if agreed to by the customer pursuant to section 28-50-105, Idaho Code, and as set forth in this subsection. If the notice or correspondence is mailed, it shall be sent to the vendor of portable electronics at the vendor's mailing address specified for such purpose and to each affected enrolled customer's last known mailing address on file with the insurer. The insurer or vendor of portable electronics, as the case may be, shall maintain proof of mailing in a form authorized or accepted by the United States postal service or other commercial mail delivery service. If the notice or correspondence is sent by electronic means, it shall be sent to the vendor of portable electronics at the vendor's electronic mail address specified for such purpose and to each affected enrolled customer's last known electronic mail address as provided by each enrolled customer to the insurer or vendor of portable electronics at the time of purchase of the portable electronics insurance coverage. For purposes of this subsection, an enrolled customer's provision of an electronic mail address to the insurer or vendor of portable electronics shall be deemed consent to receive notices and correspondence by electronic means at such address as long as notice of that consent is simultaneously provided to the customer within thirty (30) days or less by mail or electronic means. The insurer or vendor of portable electronics shall maintain proof that the notice or correspondence was sent.

(8) Notice or correspondence required by this section or otherwise required by law may be sent on behalf of an insurer or vendor by the supervising entity appointed by the insurer.

Approved March 24, 2017

CHAPTER 115
(S.B. No. 1094)

AN ACT

RELATING TO CRIMINAL HISTORY CHECKS; AMENDING SECTION 33-130, IDAHO CODE, TO AUTHORIZE THE PROVISION OF A CRIMINAL HISTORY CHECK TO THE EMPLOYING SCHOOL DISTRICT OF CERTAIN INDIVIDUALS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 33-130, Idaho Code, be, and the same is hereby amended to read as follows:

33-130. CRIMINAL HISTORY CHECKS FOR SCHOOL DISTRICT EMPLOYEES OR APPLICANTS FOR CERTIFICATES OR INDIVIDUALS HAVING CONTACT WITH STUDENTS -- STATEWIDE LIST OF SUBSTITUTE TEACHERS. (1) The department of education, through the cooperation of the Idaho state police, shall establish a system to obtain a criminal history check on individuals to include, but is not

limited to, certificated and noncertificated employees, all applicants for certificates pursuant to chapter 12, title 33, Idaho Code, substitute staff, individuals involved in other types of student training such as practicums and internships, and on all individuals who have unsupervised contact with students in a K-12 setting. The criminal history check shall be based on a completed ten (10) finger fingerprint card or scan and shall include, at a minimum, the following state and national databases:

- (a) Idaho bureau of criminal identification;
- (b) Federal bureau of investigation (FBI) criminal history check; and
- (c) Statewide sex offender register.

(2) The state department of education shall charge all such individuals a fee necessary to cover the cost of undergoing a criminal history check pursuant to this section. The total fee shall be sufficient to cover the net costs charged by the federal bureau of investigation and the state police. A record of all background checks shall be maintained at the state department of education in a data bank for all employees of a school district with a copy going to the employing school district, when requested at the time of the application or within six (6) months following the performance of the criminal history check. A copy shall also be provided to the applicant upon request.

(3) The state department of education shall maintain a statewide list of substitute teachers. The term "substitute teacher" shall have the meaning as provided in section 33-512(15), Idaho Code.

(4) The Idaho state police and the department of education shall implement a joint exercise of powers agreement pursuant to sections 67-2328 through 67-2333, Idaho Code, necessary 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 its passage and approval.

Approved March 24, 2017

CHAPTER 116
(S.B. No. 1098)

AN ACT

RELATING TO OIL AND GAS; AMENDING CHAPTER 3, TITLE 47, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 47-331, IDAHO CODE, TO REQUIRE PRODUCERS TO FILE MONTHLY STATEMENTS WITH THE IDAHO STATE TAX COMMISSION, TO PROVIDE FOR CONTENTS OF THE STATEMENTS, TO PROVIDE THAT STATEMENTS OR REPORTS SHALL BE SIGNED AND SWORN TO BY THE PRODUCER OR A DESIGNEE AND TO PROVIDE FOR AUDITS.

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

SECTION 1. That Chapter 3, Title 47, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 47-331, Idaho Code, and to read as follows:

47-331. PRODUCERS -- MONTHLY STATEMENTS -- IDAHO STATE TAX COMMISSION. (1) Every producer engaged in the production of oil or gas from any well or wells in the state shall each month file with the Idaho state tax commission, on forms prescribed by the Idaho state tax commission, a statement containing the information required by subsection (2) of this section relating to the oil or gas produced, saved and sold or transported from the premises in Idaho where produced.

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

- (a) The name, description and location of:
 - (i) Every well or wells; and
 - (ii) Every field in which the well or wells are located; and
- (b) Any other reasonable and necessary information required by the Idaho state tax commission.

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

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

Approved March 24, 2017

CHAPTER 117
(S.B. No. 1123)

AN ACT

RELATING TO SCHOOLS; AMENDING SECTION 33-1006, IDAHO CODE, TO PROVIDE FOR THE COSTS OF TRANSPORTATION TO AND FROM CERTAIN APPROVED SCHOOL ACTIVITIES IN THE TRANSPORTATION SUPPORT PROGRAM AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 33-1006, Idaho Code, be, and the same is hereby amended to read as follows:

33-1006. TRANSPORTATION SUPPORT PROGRAM. (1) The state board of education shall determine what costs of transporting pupils, including maintenance, operation and depreciation of basic vehicles, insurance, payments under contract with other public transportation providers whose vehicles used to transport pupils comply with federal transit administration regulations, "bus testing," 49 CFR part 665, and any revision thereto, as provided in subsection (4)(d) of this section, or other state department of education-approved private transportation providers, salaries of drivers, and any other costs, shall be allowable in computing the transportation support program of school districts. ~~Provided however, that the only miles for which costs may be reimbursed shall be those directly associated with transporting students for the purposes of regular school attendance during regular days and hours.~~

(2) Any costs associated with the addition of vehicle features that are not part of the basic vehicle shall not be allowable in computing the transportation support program of school districts. A basic vehicle is hereby defined as the cost of the vehicle without optional features, plus the addition of essential safety features and features necessary for the transportation of pupils with disabilities.

(3) Each school district shall maintain records and make reports as are required for the purposes of this section.

(4) The transportation support program of a school district shall be based upon the allowable costs of:

- (a) Transporting public school pupils one and one-half (1 1/2) miles or more to school;
- (b) Transporting pupils less than one and one-half (1 1/2) miles as provided in section 33-1501, Idaho Code, when approved by the state board of education;

(c) ~~The costs of p~~payments when transportation is not furnished, as provided in section 33-1503, Idaho Code;

(d) The transportation program for grades ~~six (6) through twelve (-12)~~, upon the costs of payments pursuant to a contract with other public or private transportation providers entered into as provided in section 33-1510, Idaho Code, if the school district establishes that the reimbursable costs of transportation under the contract are equal to or less than the costs for school buses;

(e) The employer's share of contributions to the public employee retirement system and to social security; and

(f) Providing transportation to and from approved school activities as may be approved by the rules of the state board of education.

(5) The state's share of the transportation support program shall be fifty percent (50%) of reimbursable transportation costs of the district incurred during the immediately preceding state fiscal year, except for the cost of state department of education training and fee assessments and bus depreciation and maintenance, for which the state's share shall be eighty-five percent (85%) of such costs. For school districts that contract for pupil transportation services, the state's share shall be the average state share of costs for district-run operations, based on the statewide total of such costs. Provided however, that the reimbursable costs for any school district shall not exceed one hundred three percent (103%) of the statewide average reimbursable cost per mile or the state average reimbursable cost per student rider, whichever is more advantageous to the school district. If a school district's costs exceed the one hundred three percent (103%) limit when computed by the more advantageous of the two (2) methods, that school district shall be reimbursed at the appropriate percentage designated by this subsection, multiplied by the maximum limit for whichever method is more favorable to the school district. A school district may appeal the application of the one hundred three percent (103%) limit on reimbursable costs to the state board of education, which may establish for that district a new percentile limit for reimbursable costs compared to the statewide average, which is higher than one hundred three percent (103%). In doing so, the state board of education may set a new limit that is greater than one hundred three percent (103%), but is less than the percentile limit requested by the school district. However, the percentage increase in the one hundred three percent (103%) cap shall not exceed the percentage of the district's bus runs that qualify as a hardship bus run, pursuant to this subsection. Any costs above the new level established by the state board of education shall not be reimbursed. Such a change shall only be granted by the state board of education for hardship bus runs. To qualify as a hardship bus run, such bus run shall meet at least two (2) of the following criteria:

(a) The number of student riders per mile is less than fifty percent (50%) of the statewide average number of student riders per mile;

(b) Less than a majority of the miles on the bus run are by paved surface, concrete or asphalt road;

(c) Over ten percent (10%) of the miles driven on the bus run are a five percent (5%) slope or greater.

(6) Beginning on July 1, 2005, any eligible home-based public virtual school may claim transportation reimbursement for the prior fiscal year's cost of providing educational services to students. In order to be eligible, such a school shall have at least one (1) average daily attendance divisor, pursuant to section 33-1002, Idaho Code, that is greater than the median divisor shown for any category of pupils, among the actual divisors listed. For the purposes of paragraphs (a), (b) and (c) of this subsection (6), "education provider" means the home-based public virtual school or an entity that has legally contracted with the home-based public virtual school to supply education services. Reimbursable costs shall be limited to the costs of:

- (a) Providing an internet connection service between the student and the education provider, not including the cost of telephone service;
- (b) Providing electronic and computer equipment used by the student to transmit educational material between the student and the education provider;
- (c) Providing a toll-free telephone service for students to communicate with the education provider;
- (d) Providing education-related, face-to-face visits by representatives of the home-based public virtual school, with such reimbursements limited to the mileage costs set for state employee travel by the state board of examiners; and
- (e) Any actual pupil transportation costs that would be reimbursable if claimed by a school district.

The total reimbursement for such home-based public virtual schools shall be exempt from the statewide average cost per mile limitations of this section. The state's share of reimbursable costs shall be eighty-five percent (85%), subject to the statewide cost per student rider provisions of this section. For the purposes of such home-based public virtual school, the number of student riders shall be the same as the number of pupils in average daily attendance.

(7) The state department of education shall calculate the amount of state funds lost in fiscal year 2010 by each school district as a result of the decrease in the state reimbursement from eighty-five percent (85%) to fifty percent (50%) of certain eligible costs, including the reduction calculated for districts that contract for pupil transportation services, and excluding any reductions made due to the limitation on reimbursable expenses, all pursuant to subsection (5) of this section. The amount so calculated shall be distributed to each school district in fiscal year 2010. For each fiscal year thereafter, the amount distributed pursuant to this subsection (7) for each school district shall be determined as follows:

- (a) Divide the amount distributed to the district pursuant to this subsection (7) in fiscal year 2010 by the district's support units for fiscal year 2010;
- (b) Multiply the result of the calculation found in subsection (7) (a) of this section by the number of support units in the current fiscal year;
- (c) Determine the percentage change in statewide transportation reimbursements as provided for in subsection (5) of this section since fiscal year 2010;
- (d) Determine the percentage change in statewide student enrollment since fiscal year 2010;
- (e) Subtract the result of the calculation found in subsection (7) (d) of this section from the result of the calculation found in subsection (7) (c) of this section;
- (f) Adjust the result of the calculation found in subsection (7) (b) of this section by the percentage result from subsection (7) (e) of this section.

For school districts divided after fiscal year 2010, the calculation in subsection (7) (a) of this section shall still be based on the fiscal year 2010 figures for the formerly consolidated district. For public charter schools beginning operations on or after July 1, 2009, all calculations in this subsection (7) that are based on fiscal year 2010 shall instead be based on the public charter school's first fiscal year of operations. For the purposes of this subsection (7), the support units used shall be the number used for calculating salary-based apportionment. Funds distributed pursuant to this subsection (7) shall be used to defray the cost of pupil transportation. If the amount distributed is in excess of a school district's actual pupil transportation costs, less any state reimbursements provided by subsection

(5) of this section, the excess funds may be used at the school district's discretion.

(8) The total moneys paid to school districts and public charter schools for eligible transportation costs shall be reduced by a proportionate amount to equal seven million five hundred thousand dollars (\$7,500,000) and shall be used as discretionary spending.

Approved March 24, 2017

CHAPTER 118
(H.B. No. 51)

AN ACT

RELATING TO OUTFITTERS AND GUIDES; AMENDING SECTION 36-2102, IDAHO CODE, TO REVISE THE DEFINITION OF THE TERM "LICENSE YEAR."

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

SECTION 1. That Section 36-2102, Idaho Code, be, and the same is hereby amended to read as follows:

36-2102. DEFINITIONS. (a) "Person" includes any individual, firm, partnership, corporation or other organization or any combination thereof.

(b) "Outfitter" includes any person who, while engaging in the acts enumerated herein: (1) advertises or otherwise holds himself out to the public for hire; (2) provides facilities and services for consideration; and (3) maintains, leases, or otherwise uses equipment or accommodations for compensation for the conduct of outdoor recreational activities limited to the following: hunting animals or birds; float or power boating on Idaho rivers and streams; fishing on Idaho lakes, reservoirs, rivers and streams; and hazardous desert or mountain excursions. Any firm, partnership, corporation or other organization or combination thereof operating as an outfitter shall designate one (1) or more individuals as agents who shall, together with the licensed outfitter, be held responsible for the conduct of the licensed outfitter's operations and who shall meet all of the qualifications of a licensed outfitter.

(c) "Guide" is any natural person who is employed by a licensed outfitter to furnish personal services for the conduct of outdoor recreational activities directly related to the conduct of activities for which the employing outfitter is licensed. Any such person not employed by a licensed outfitter who offers or provides facilities or services as specified in subsection (b) of this section shall be deemed in violation of the provisions of this chapter, except: (1) any employee of the state of Idaho or the United States when acting in his official capacity, or (2) any natural person who is employed by a licensed outfitter solely for the following activities: caring for, grooming or saddling of livestock, cooking, woodcutting, and transporting people, equipment and personal property on public roads shall be exempt from the provisions of this chapter.

(d) "Board" means the Idaho outfitters and guides licensing board.

(e) "Resident" means a person who has resided in the state of Idaho for a period of six (6) months next preceding the time of application for license.

(f) "Nonresident" means any person not included in subsection (e) of this section.

(g) "License year" means that period of time beginning on ~~the date an outfitter's or guide's license is issued and ending on the anniversary of the date of issuance in April 1 and expiring March 31~~ the following year.

(h) "Individual" means any person other than a partnership, corporation or any other organization or combination thereof.

Approved March 24, 2017

CHAPTER 119
(H.B. No. 53)

AN ACT

RELATING TO STATE AND SCHOOL LANDS; AMENDING SECTION 47-801, IDAHO CODE, TO AUTHORIZE THE STATE BOARD OF LAND COMMISSIONERS TO LEASE STATE AND SCHOOL LANDS FOR OIL AND GAS DEVELOPMENT FOR A TERM OF UP TO TEN YEARS AND TO MAKE A TECHNICAL CORRECTION.

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

SECTION 1. That Section 47-801, Idaho Code, be, and the same is hereby amended to read as follows:

47-801. LEASE OF STATE OR SCHOOL LANDS FOR OIL AND GAS DEVELOPMENT -- SURFACE RIGHTS. The state board of land commissioners is hereby authorized and empowered to lease for a term of up to ten (10) years, and as long thereafter as oil, gas, casinghead gas, casinghead gasoline or other hydrocarbons, or any of them, is produced in paying quantities, or as much longer thereafter as the lessee in good faith shall conduct drilling operations thereon, any state or school lands ~~which~~ that may contain oil, gas, casinghead gas, casinghead gasoline, or other hydrocarbons, together with the right to use and occupy so much of the surface of said land as may be required for all purposes reasonably incident to the prospecting for, exploration for, drilling for, production, refining and marketing of said oil, gas, casinghead gas, casinghead gasoline or other hydrocarbons produced from said lands, including the right to construct and maintain thereon all works, buildings, plants, waterways, roads, communication lines, pipe lines, reservoirs, tanks, pumping stations, or other structures necessary to the full enjoyment thereof for the purposes of the lease.

Approved March 24, 2017

CHAPTER 120
(H.B. No. 63)

AN ACT

RELATING TO THE EMPLOYMENT SECURITY LAW; AMENDING SECTION 72-1336, IDAHO CODE, TO PROVIDE REFERENCE TO THE FEDERAL WORKFORCE INNOVATION AND OPPORTUNITY ACT; AMENDING SECTION 72-1336A, IDAHO CODE, TO PROVIDE REFERENCE TO THE FEDERAL WORKFORCE INNOVATION AND OPPORTUNITY ACT AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 72-1366, IDAHO CODE, TO PROVIDE REFERENCE TO THE FEDERAL WORKFORCE INNOVATION AND OPPORTUNITY ACT AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 72-1336, Idaho Code, be, and the same is hereby amended to read as follows:

72-1336. ADVISORY BODY AND SPECIAL COMMITTEES. (1) The governor shall appoint a workforce development council in accordance with section ~~111 101~~ of the federal workforce ~~investment innovation and opportunity act of 1998,~~ as amended (29 U.S.C. ~~2821 3101~~ et seq., as amended) and federal regulations promulgated thereunder. Members of the body shall serve at the pleasure of the governor and shall be reimbursed for ordinary and actual expenses. The governor shall prescribe the duties and functions of the workforce development council which shall include, but not be limited to, the following:

- (a) To serve as an advisory body to the department on matters related to workforce development policy and programs;
 - (b) To approve and provide oversight of department expenditures from the employment security special administration fund established under section 72-1347A, Idaho Code;
 - (c) To develop and provide oversight of procedures, criteria and performance measures for the workforce development training fund established under section 72-1347B, Idaho Code; and
 - (d) To serve as the state workforce investment board in accordance with section ~~111 101~~ of the federal workforce ~~investment act of 1998,~~ as amended, innovation and opportunity act and federal regulations promulgated thereunder.
- (2) The director may appoint special committees in connection with the administration of this chapter.

SECTION 2. That Section 72-1336A, Idaho Code, be, and the same is hereby amended to read as follows:

72-1336A. YOUTH EMPLOYMENT AND JOB TRAINING PROGRAMS. (1) Subject to the availability of funds from public and private sources and in consultation with the workforce development council, the director shall develop and implement youth employment and job training programs to increase employment opportunities for Idaho's youth.

(2) The director shall establish eligibility criteria for participants. At a minimum, participants shall be lawful residents of the United States and the state of Idaho, and eligibility criteria shall not render employment and job training programs ineligible for federal funding.

(3) The director may apply for and accept grants or contributions of funds from any public or private source.

(4) To the extent practicable, the director shall enlist state and federal agencies, local governments, nonprofit organizations, private businesses, and any combination of such entities to act as sponsors for programs administered pursuant to this section. Selection of sponsors

shall be based on criteria that include the availability of other resources on a matching basis, including contributions from private sources, other federal, state and local agencies, and moneys available through the federal workforce investment act of 1998 innovation and opportunity act, 29 U.S.C. section 2801, 3101 et seq., as amended.

(5) Programs developed and implemented under this section shall:

(a) Result in an increase in employment opportunities for youth that would not otherwise be available;

(b) Not result in the displacement or partial displacement of currently employed workers;

(c) Not impair existing contracts for services or result in the substitution of funds available under this section for other funds in connection with work that would otherwise be performed;

(d) Not substitute jobs that are assisted pursuant to this section for existing federally assisted jobs;

(e) Not employ any person when any other person is on layoff by an employer from the same or any substantially equivalent job in the same area; and

(f) Not be used to employ any person to fill a job opening created by the act of an employer in laying off or terminating employment of any regular employee in anticipation of filling the vacancy by hiring a person to be supported pursuant to this section.

(6) Participants in youth employment and job training programs under this section shall not be employees of the state of Idaho entitled to personnel benefits under the state personnel system, chapter 53, title 67, Idaho Code.

SECTION 3. 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; 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 the claimant's illness or disability which that occurs after he has filed a claim and 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 agree-

ment with the United States or the director with respect to unemployment insurance.

(b) 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 which ~~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.

(c) 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 fact that he left his employment voluntarily without good cause connected with his employment, or that he was discharged for misconduct in connection with his employment.

(6) 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. 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.

(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 ~~investment~~ 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.

This subsection shall apply only if the claimant submits with each claim report a written certification from the training facility that the claimant is attending and satisfactorily completing the job training course. If the claimant fails to attend or otherwise participate in the job training course, it must be determined whether the claimant is able to work and available for suitable work as provided in subsection (4) (b) of this section.

(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 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 employed at the premises at which the labor dispute occurs, 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 service 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 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 ~~which~~ 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 ~~(b)~~ 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 clause.

(c) With respect to any services described in paragraphs (a) and (b) of this subsection ~~(17)~~, benefits shall not be paid nor "waiting week" credit given to an individual for wages earned for services for any week ~~which~~ 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 ~~(17)~~, benefits shall not be payable on the basis of services in any capacities specified in paragraphs (a), (b) and (c) of

this subsection ~~(17)~~ 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 which 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 which that substantially consist of participating in sports or athletic events or training or preparing to participate, for any week which 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, public law 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 investment innovation and opportunity act, as amended; 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 ~~non-training~~ 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.

CHAPTER 121
(H.B. No. 64)

AN ACT

RELATING TO OIL AND GAS; AMENDING SECTION 47-320, IDAHO CODE, TO REVISE PROVISIONS REGARDING APPLICATIONS FOR PERMITS TO DRILL OR TREAT A WELL, TO PROVIDE THAT COPIES OF PERMITS TO DRILL OR TREAT A WELL SHALL BE FORWARDED TO THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES, TO UPDATE THE LIST OF PERMITS THAT REQUIRE FEES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 47-322, IDAHO CODE, TO REVISE PROVISIONS REGARDING INTEGRATION ORDER OPTIONS, TO PROVIDE FOR THE PUBLICATION OF CERTAIN NOTICES IN NEWSPAPERS OF GENERAL CIRCULATION, TO REMOVE CERTAIN PROVISIONS REGARDING THE ADEQUACY OF APPLICATIONS AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 47-324, IDAHO CODE, TO PROVIDE FOR THE PUBLICATION OF CERTAIN NOTICES IN NEWSPAPERS OF GENERAL CIRCULATION, TO REVISE PROVISIONS REGARDING THE PROCESSING OF CERTAIN APPLICATIONS FOR ORDERS, TO PROVIDE THAT REQUESTS FOR ORDERS MAY BE APPEALED TO THE OIL AND GAS COMMISSION, TO REVISE PROVISIONS REGARDING RESPONSES TO APPEALS BY CERTAIN PERSONS, TO REVISE PROVISIONS REGARDING HEARINGS AND WRITTEN ORDERS, TO REVISE PROVISIONS REGARDING THE EXHAUSTION OF ADMINISTRATIVE REMEDIES, TO MAKE A CODIFIER'S CORRECTION AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 47-320, Idaho Code, be, and the same is hereby amended to read as follows:

47-320. PERMIT TO DRILL OR TREAT A WELL -- FEES. (1) It shall be unlawful to commence operations for the drilling or treating of a well for oil or gas without first giving notice to the commission of intention to drill or treat and without first obtaining a permit from the commission under such rules and regulations as may be reasonably prescribed by the commission and by paying to the commission a filing and service fee as provided by this section.

(a) Any request for a permit or authorization as set forth in subsection (3) (a), (b), (c), (d), (e), (f), (g), (m), (n) or (o) of this section shall be made by application to the department of lands, and processed as provided in this section.

~~(b) The department shall notify the applicant within five (5) business days of receipt of an application if the application is administratively incomplete, and in such notice shall identify missing items to be supplied in order to make the application complete.~~

~~(e) The department shall notify the director of the department of water resources regarding applications for permits to drill or treat a well. The director of water resources shall have ten (10) business days from the date of receipt of such notification from the department of lands to recommend conditions he believes necessary to protect fresh water freshwater supplies.~~

~~(dc) Applications submitted under this section, except those listed in subsection (3) (c) and (g) of this section, shall be posted on the department of lands's website for ten (10) calendar business days for a written comment period.~~

~~(ed) The department of lands shall approve or deny the applications to drill or treat a well in subsection (3) (a), (b), (c), (d), (f), (g), (m), (n) and (o) of this section within fifteen (15) business days of receipt of a complete an application. This time frame does not apply to~~

permits submitted with an application processed under section 47-324, Idaho Code.

(~~f~~e) The department's decision made under this section may be appealed to the commission by the applicant pursuant to the procedure in section 47-324(d), (e), ~~and~~ (f) ~~and~~ (~~g~~), Idaho Code.

(2) Upon issuance of any permit to drill or treat a well, a copy thereof, including any limitations, conditions, controls, rules or regulations attached thereto for the protection of ~~fresh-water~~ freshwater supplies as required in section 47-319, Idaho Code, shall be forwarded to the director of the department of water resources.

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

- (a) Application for a permit to drill a well \$2,000
- (b) Application to deepen a well 500
- (c) Application to plug and abandon a well, if not completed within one (1) year from issuance of permit to drill a well 500
- (d) Application to treat a well, if separate from an application for a permit to drill a well 1,000
- (e) Application to construct a pit, if separate from an application for a permit to drill a well 1,500
- (f) Application to directionally drill a well, if separate from an application for a permit to drill a well 1,000
- (g) Application for a recompletion, modified blow out prevention standards, using a vacuum for oil or gas recovery, removing casing, or multiple zone completion, if separate from an application for a permit to drill or plug and abandon a well 1,000
- (h) Application for an exceptional well location, if separate from an application for a permit to drill a well 1,300
- (i) Application to change the size or shape of a spacing unit 1,300
- (j) Application to establish or amend a field-wide fieldwide spacing order 1,300
- (k) Application for an integration order 1,300
- (l) Application for a unitization order 1,300
- (m) Application for a seismic operations permit covering less than twelve (12) miles of a 2D survey 800
- (n) Application for a seismic operations permit covering between twelve (12) miles and twenty-four (24) miles of a 2D survey, or up to seventy-two (72) square miles of a 3D survey 2,000
- (o) Application for a seismic operations permit covering more than twenty-four (24) miles of a 2D survey, or more than seventy-two (72) square miles of a 3D survey 2,500

SECTION 2. That Section 47-322, Idaho Code, be, and the same is hereby amended to read as follows:

47-322. INTEGRATION OF TRACTS -- ORDERS OF DEPARTMENT. (a) When two (2) or more separately owned tracts are embraced within a spacing unit, or when there are separately owned interests in all or a part of a spacing unit, the interested persons may integrate their tracts or interests for the development and operation of the spacing unit. In the absence of voluntary integration, the department, upon the application of any owner in that proposed spacing unit, shall order integration of all tracts or interests in the spacing unit for drilling of a well or wells, development and operation thereof and for the sharing of production therefrom. The department, as a part of the order establishing a spacing unit or units, may prescribe the terms and conditions upon which the royalty interests in the unit or units shall, in the absence of voluntary agreement, be deemed to be integrated

without the necessity of a subsequent separate order integrating the royalty interests. Each such integration order shall be upon terms and conditions that are just and reasonable.

(b) All operations, including, but not limited to, the commencement, drilling, or operation of a well upon any portion of a spacing unit for which an integration order has been entered, shall be deemed for all purposes the conduct of such operations upon each separately owned tract in the spacing unit by the several owners thereof. That portion of the production allocated to a separately owned tract included in a spacing unit shall, when produced, be deemed, for all purposes, to have been actually produced from such tract by a well drilled thereon.

(c) Each such integration order shall authorize the drilling, equipping, and operation, or operation, of a well on the spacing unit; shall designate an operator for the integrated unit; shall prescribe the time and manner in which all the owners in the spacing unit may elect to participate therein; and shall make provision for the payment by all those who elect to participate therein, of the reasonable actual cost thereof, plus a reasonable charge for supervision and interest. Each such integration order shall provide for the ~~five~~ four (4) following options:

(i) Working interest owner. An owner who elects to participate as a working interest owner shall pay the proportionate share of the actual costs of drilling and operating a well allocated to the owner's interest in the spacing unit. Working interest owners who share in the costs of drilling and operating the well are entitled to their respective shares of the production of the well. The operator of the integrated spacing unit and working interest owners shall enter into a joint operating agreement approved by the department in the integration order.

(ii) Nonconsenting working interest owner. An owner who refuses to share in the risk and actual costs of drilling and operating the well, but desires to participate as a working interest owner, is a nonconsenting working interest owner. Nonconsenting working interest owners are entitled to their respective shares of the production of the well, not to exceed one-eighth (1/8) royalty, until the operator of the integrated spacing unit has recovered up to three hundred percent (300%) of the nonconsenting working interest owner's share of the cost of drilling and operating the well under the terms set forth in the integration order. After all the costs have been recovered by the consenting owners in the spacing unit, the nonconsenting owner is entitled to his respective shares of the production of the well, and shall be liable for his pro rata share of costs as if the nonconsenting owner had originally agreed to pay the costs of drilling and operating the well. The operator of the integrated spacing unit and nonconsenting working interest owners shall enter into a joint operating agreement approved by the department in the integration order.

(iii) Leased. An owner may enter into a lease with the operator of the integrated spacing unit under the terms and conditions in the integration order. The owner shall receive no less than one-eighth (1/8) royalty. The operator of an integrated spacing unit shall pay a leasing owner the same highest bonus payment per acre as that the operator originally paid to other another owners in the spacing unit prior to the issuance filing of the integration order application.

(iv) Objector. ~~If an owner objects to any participation or involvement of any kind in the unit, such owner may elect to be an objector. An objecting owner's interest will be deemed leased under the terms and conditions in the integration order. The owner shall receive one-eighth (1/8) royalty. Provided however, an objecting owner may elect to have any funds to which he would otherwise be entitled transferred to the STEM action center.~~

~~(v) Deemed leased. If an owner fails to make an election within the election period set forth in the integration order, such owner's interest will be deemed leased under the terms and conditions in the integration order. The owner shall receive one-eighth (1/8) royalty. The operator of an integrated spacing unit shall pay a leasing owner the same highest bonus payment per acre as that the operator originally paid to other another owners in the spacing unit prior to the issuance filing of the integration order application.~~

~~If one or more of the owners shall drill, equip, and operate, or operate, or pay the costs of drilling, equipping, and operating, or operating, a well for the benefit of another person as provided for in an order of integration, then such owners or owner shall be entitled to the share of production from the spacing unit accruing to the interest of such other person, exclusive of a royalty not to exceed one-eighth (1/8) of the production, until the market value of such other person's share of the production, exclusive of such royalty, equals the sums payable by or charged to the interest of such other person. If there is a dispute as to the costs of drilling, equipping, or operating a well, the department shall determine such costs. In instances where a well is completed prior to the integration of interests in a spacing unit, the sharing of production shall be from the effective date of the integration, except that, in calculating costs, credit shall be given for the value of the owner's share of any prior production from the well.~~

(d) An application for an order integrating the tracts or interests in a spacing unit shall substantially contain and be limited to only the following:

- (i) The applicant's name and address;
- (ii) A description of the spacing unit to be integrated;
- (iii) A geologic statement concerning the likely presence of hydrocarbons;
- (iv) A statement that the proposed drill site is leased;
- (v) A statement of the proposed operations for the spacing unit, including the name and address of the proposed operator;
- (vi) A proposed joint operating agreement and a proposed lease form;
- (vii) A list of all uncommitted owners in the spacing unit to be integrated under the application, including names and addresses;
- (viii) An affidavit indicating that at least fifty-five percent (55%) of the mineral interest acres in the spacing unit support the integration application by leasing or participating as a working interest owner;
- (ix) An affidavit stating the highest bonus payment paid to a leased owner in the spacing unit being integrated prior to filing the integration application; and
- (x) A resume of efforts documenting the applicant's good faith efforts on at least two (2) separate occasions within a period of time no less than sixty (60) days to inform uncommitted owners of the applicant's intention to develop the mineral resources in the proposed spacing unit and desire to reach an agreement with uncommitted owners in the proposed spacing unit. Provided however, if any owner requests no further contact from the applicant, the applicant will be relieved of further obligation to attempt contact to reach agreement with that owner. At least one (1) contact must be by certified U.S. mail sent to an owner's last known address. If an owner is unknown or cannot be found, the applicant must publish a legal notice of its intention to develop and request that the owner contact the applicant in a newspaper of general circulation in the county where the proposed spacing unit is located. The resume of efforts should indicate the applicant has made reasonable efforts to reach an agreement with all uncommitted owners in the proposed spacing unit. Reasonable efforts are met by complying with this subsection.

~~An application shall not be required to be in any particular format. An application shall not be denied or refused for incompleteness if it complies substantially with the foregoing informational requirements.~~

(e) At the time the integration application is filed with the department, the applicant shall certify that, for uncommitted owners who are unknown or cannot be found, a notice of the application was published in a newspaper in the county where the proposed spacing unit is located. Each published notice shall include notice to the affected uncommitted owner of the opportunity to respond to the application, and the deadline by which a response must be filed with the department.

(f) The information supplied by the applicant pursuant to subsection (d) (vii) of this section and the names and addresses of the uncommitted owners pursuant to subsection (d) (x) of this section shall be deemed trade secrets and kept confidential by the department until the well is producing in the proposed spacing unit, and thereafter shall be subject to disclosure pursuant to chapter 1, title 74, Idaho Code, provided that the information regarding an uncommitted owner shall be subject to disclosure to that owner.

(g) An application for integration shall be subject to the procedures set forth in section 47-324, Idaho Code.

SECTION 3. That Section 47-324, Idaho Code, be, and the same is hereby amended to read as follows:

47-324. RULES FOR COMMISSION -- ADMINISTRATIVE PROCEDURES. (a) The commission shall have authority to hear rulemaking proceedings, complaints filed with it pursuant to this chapter and appeals from the director's decision on an application filed pursuant to this chapter. The commission may prescribe rules governing the procedure before it, subject to the provisions of the administrative procedure act, chapter 52, title 67, Idaho Code.

(b) In all cases where ~~a~~ a complaint is made by the commission or any person that any provision of this act, or any rule or order of the commission is being violated, notice of any hearing to be held on such application or complaint, the commission shall serve notice on the interested parties by certified mail, return receipt requested, or in the same manner as is provided in the rules of civil procedure for the service of summons in civil actions. Where the interested party is unknown or cannot be located, the commission shall serve notice by publishing at least one (1) notice of the hearing to such person in a newspaper of general circulation in the county where the affected tract is located. Such notice must be sent, delivered or published, as appropriate, at least five (5) business days before the date of the hearing.

(c) Except as provided in section 47-320(1) (a), Idaho Code, and subsection (b) of this section, any request for an order related to oil and gas activities within the commission's jurisdiction, other than a civil penalty proceeding pursuant to section 47-325, Idaho Code, or other enforcement action by the department of lands or the commission, shall be made by application to the department of lands and processed as provided in this section.

(i) The department shall notify the applicant within five (5) business days of receipt of an application if ~~the application is administratively incomplete, and in such notice shall identify the missing item or items to be supplied in order to make the application complete~~ additional information is required for the department to evaluate the application.

(ii) ~~A decision on the merits of the application shall be made by the director. The director's decision shall not be subject to any motion for reconsideration or further review, except for appeal to the commission provided in subsection (d) of this section.~~

~~(iii)~~ For applications involving an order regarding unit operations or integration of a drilling unit, the department applicant shall send

a copy of the application and supporting documents to all known and located uncommitted owners, to all working interest owners within the unit, and to the respective city or county where the proposed unit is located. The mailing shall be sent by certified mail within seven (7) calendar days of filing the application and include notice of the hearing date on which the director will consider the application. The application shall may be redacted pursuant to section 47-322(f), Idaho Code, and sent by certified mail. Upon request, the applicant shall reimburse the department for actual mailing costs incurred under this subsection. For any uncommitted owners and working interest owners who cannot be located, an applicant shall publish notice of any application for an order, notice of hearing and response deadline once in a newspaper of general circulation in the county in which the affected property is located, and request the department publish notice on its website, within seven (7) calendar days of filing of the complete application. Only an uncommitted owner in the affected unit may file an objection or other response to the application, and the uncommitted owner shall file ~~seven (7)~~ at least fourteen (14) calendar days before the hearing date provided in the notice.

~~(iviii) For applications not involving paragraph (iiiii) of this subsection, including exceptional locations, the department and any uncommitted owner within the area defined in the application may file an objections or other responses to the application, and the uncommitted owner shall file seven (7) at least fourteen (14) calendar days before the hearing date provided in the notice.~~

(iv) The director shall hear the application and make a decision on the application's merits. The director shall set regular hearing dates. Applications shall be filed at least forty-five (45) calendar days before a desired hearing date. Untimely applications shall be continued until the next hearing. The director may for good cause continue any hearing. The director may appoint a hearing officer, who shall have the power and authority to conduct hearings. Discovery is not permitted. The department may appear and testify at the hearing. When applications are uncontested, the applicant may request, and the director may allow, approval without a hearing based on review of the merits of a verified application and the supporting exhibits.

~~(v) The director shall hear an application within thirty (30) calendar days of the filing of a complete application. Discovery is not permitted. The director shall issue a written decision on any such application within thirty (30) calendar days of the hearing. The director's decision shall not be subject to any motion for reconsideration or further review, except for appeal to the commission provided in subsection (d) of this section.~~

(d) The director's decision on an application or a request for an order may be appealed to the commission by the applicant or any owner who filed an objection or other response to the application within the time required. An appeal must be filed with the director within fourteen (14) calendar days of the date of issuance of the director's written decision. The date of issuance shall be three (3) calendar days after the director deposits the decision in the U.S. mail, or the date on which he remits a decision electronically. Such appeal shall include the reasons and authority for the appeal, and shall identify any facts in the record supporting the appeal. Any person appealing shall serve a copy of the appeal materials on any other person who participated in the proceedings below, by certified mail, or by personal service. Any person who participated in the proceeding below may file a response to the appeal within five (5) calendar business days of service of a copy of the appeal materials. The appellant shall provide the director with proof of service of the appeal materials on other persons as required in this section. The commission shall make a decision based on the record below as

set forth in the written submittals of only the appellant and any other participating qualified person, the director's decision, and any oral argument taken by the commission at an appeal hearing.

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

(f) If no appeal is filed with the commission within the required time, the decision of the director shall become the final order.

(g) Judicial review of actions taken by the commission shall be governed by the provisions of chapter 52, title 67, Idaho Code. ~~Only a person qualified under subsection (d) of this section who has completed the appeal procedures set forth in this section shall be considered to have exhausted administrative remedies as required in section 67-5271, Idaho Code.~~

(h) For an application or request for an order submitted under subsection (c) of this section, only a person qualified under subsection (d) of this section who has completed the appeal procedures set forth in this section shall be considered to have exhausted administrative remedies as required in section 67-5271, Idaho Code.

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

(j) Every application shall be signed by the applicant or his representative, and his address shall be stated thereon. The signature of the applicant or his representative constitutes a certificate by him that he has read the application and that to the best of his knowledge, information and belief there is good ground to support the same. Each application shall be of such form and content and accompanied by the number of copies required by rule of the commission. Each application shall be accompanied by a fee as established in statute or rule.

Approved March 24, 2017

CHAPTER 122
(H.B. No. 86)

AN ACT

RELATING TO PUBLIC WORKS CONSTRUCTION MANAGEMENT LICENSING; AMENDING SECTION 54-4503, IDAHO CODE, TO DEFINE TERMS; AMENDING SECTION 54-4504, IDAHO CODE, TO PROVIDE THAT CERTAIN ACTS SHALL BE UNLAWFUL AND TO PROVIDE THAT THE ADMINISTRATOR SHALL ISSUE CERTIFICATES OF AUTHORITY; AMENDING SECTION 54-4505, IDAHO CODE, TO PROVIDE THAT THE ADMINISTRATOR SHALL PERFORM CERTAIN TASKS REGARDING LICENSURE, TO CLARIFY A PROVISION REGARDING ISSUANCE OF A LICENSE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-4506, IDAHO CODE, TO REMOVE REFERENCE TO INTERIM LICENSES AND TO PROVIDE THAT THE ADMINISTRATOR MAY ISSUE TEMPORARY LICENSES; AMENDING SECTION 54-4507, IDAHO CODE, TO PROVIDE THAT THE ADMINISTRATOR MAY GRANT INACTIVE STATUS TO THE HOLDER OF A LICENSE UNDER CERTAIN CONDITIONS; AMENDING SECTION 54-4508, IDAHO CODE, TO PROVIDE THAT THE ADMINISTRATOR SHALL HAVE CERTAIN AUTHORITY REGARDING DISCIPLINARY PROCEEDINGS, TO PROVIDE THAT A PERSON MAY BE SUBJECT TO DISCIPLINE, TO PROVIDE THAT THE ADMINISTRATOR SHALL RECEIVE CERTAIN NOTICE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-4509, IDAHO CODE, TO PROVIDE THAT THE ADMINISTRATOR SHALL HAVE CERTAIN DUTIES REGARDING CERTIFICATES OF AUTHORITY FOR FIRMS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-4510, IDAHO CODE, TO PROVIDE THAT CERTAIN FEES SHALL BE COLLECTED BY THE ADMINISTRATOR AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 54-4514, IDAHO CODE, TO PROVIDE THAT THE ADMINISTRATOR MAY BRING AN ACTION FOR INJUNCTIVE RELIEF.

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

SECTION 1. That Section 54-4503, Idaho Code, be, and the same is hereby amended to read as follows:

54-4503. DEFINITIONS. As used in this chapter:

(1) "Administrator" means the administrator of the Idaho division of building safety.

(2) "Applicant" means an individual who applies for a license or interim license pursuant to the provisions of this chapter.

(23) "Board" means the public works contractors license board established in section 54-1905, Idaho Code.

(4) "Certificate of authority" means a certificate issued by the division of building safety authorizing a firm to provide or hold itself out as providing construction manager services. A certificate of authority shall serve as verification by the division that one (1) or more principals or employees of the firm are licensed construction managers in good standing and that the firm meets such other reasonable criteria established by the board. The licensed construction manager associated with a firm shall accept the responsibility and duty to directly supervise the provision of construction management services by the firm.

(35) "Construction manager" means an individual who performs construction management services.

(46) "Construction management services" means representation of an owner in public works construction by a person with substantial discretion and authority to plan including scheduling, estimating and approval, coordinate, manage or direct phases of a project for the construction, demolition, alteration, repair or reconstruction of any public work. This definition shall not include services for which the laws of this state require a person to be licensed as an architect or registered as a professional engineer, nor shall it include services traditionally and customarily

provided by licensed architects or registered professional engineers. This definition shall not apply to highway, road or other transportation projects.

(57) "Firm" means any business organization, including individuals, partnerships, corporations, associations or any combination thereof acting as a unit.

(8) "Hold itself out" or "holding oneself or one's firm out" or "offer" means the representation by a person that the person possesses a valid construction manager license issued pursuant to the provisions of this chapter authorizing that person to provide construction management services. "Hold itself out" or "holding oneself or one's firm out" or "offer" shall include, but not be limited to, the following acts:

(a) Advertising to provide construction management services on public works construction projects;

(b) Submitting responses to requests for qualifications for construction management services on public works construction projects; and

(c) Submitting proposals, quotes or bids to perform construction management services on public works construction projects.

(69) "Licensure" means the issuance of a license to an applicant under the provisions of this chapter authorizing such individual to offer and perform construction management services.

(710) "Person" includes an individual, partnership, corporation, association or other organization.

SECTION 2. That Section 54-4504, Idaho Code, be, and the same is hereby amended to read as follows:

54-4504. LICENSE REQUIRED. (1) Except as otherwise provided herein, on and after the effective date of this chapter, it shall be unlawful for any person to act as a construction manager in public works construction or to practice or perform or offer to perform construction management services in public works construction unless such offer is made by or such construction management services are performed by or under the direct supervision of a licensed construction manager.

(2) Only an individual may be licensed as a construction manager. No firm may provide or hold itself out as providing or currently able to provide construction management services unless it holds a certificate of authority issued by the board administrator pursuant to section 54-4509, Idaho Code.

(3) Construction management services provided by a firm must be provided under the direct supervision and control of a licensed construction manager who is a principal or employee of the firm.

(4) An employee of an owner for which public works construction management services are to be performed shall not be required to obtain a license under this chapter in order to provide such services for his employer.

(5) A licensed architect, registered landscape architect or registered professional engineer shall not be required to obtain a license under this chapter in order to provide services for which the laws of this state require a person to be licensed as an architect, registered landscape architect or registered as a professional engineer or to provide services traditionally and customarily provided by licensed architects, registered landscape architects or registered professional engineers. Provided however, that such services shall not include the procurement of equipment or construction work required by law to be competitively bid for public works construction.

SECTION 3. That Section 54-4505, Idaho Code, be, and the same is hereby amended to read as follows:

54-4505. REQUIREMENTS FOR LICENSURE. (1) Any individual who wishes to become licensed as a construction manager shall make written application

to the board administrator on such forms or in such manner as the board administrator may prescribe. Each applicant shall provide such proof as the board administrator may require that he:

(a) Has a bachelor's degree in architecture, engineering or construction management from a college or university which that has an educational program in architecture, engineering or construction management, as the case may be, accredited by a nationally recognized accrediting organization and that he has a minimum of four (4) years' experience in managing construction projects; or

(b) Has a minimum of five (5) years' experience in managing construction projects.

(2) If the board administrator finds that the applicant meets the requirements for licensure set forth in subsection (1) of this section, ~~it he~~ shall administer an examination to the applicant, which examination shall be offered at least once each year. The examination shall test the applicant's knowledge and proficiency in construction management issues, including health, environmental and safety regulations, interpretation of construction contracts, financing, scheduling and project administration for construction projects. The board administrator shall establish a fee for administering the examination to each applicant which must be paid before the applicant may sit for the examination.

(3) An applicant who demonstrates knowledge and proficiency of construction management by virtue of passing the examination shall, and upon the payment of an appropriate fee, shall be issued a license authorizing that individual to provide construction management services.

SECTION 4. That Section 54-4506, Idaho Code, be, and the same is hereby amended to read as follows:

~~54-4506. INTERIM AND TEMPORARY LICENSES. (1) For a period of one (1) year following the effective date of this chapter, each applicant who meets the requirements of section 54-4505(1), Idaho Code, shall be issued an interim construction manager's license pursuant to such application terms and conditions as the board may require. At the conclusion of the one (1) year period, following the effective date of this chapter, such interim licenses shall expire and thereafter all licensed construction managers shall be required to meet the licensure requirements as set forth in section 54-4505, Idaho Code.~~

~~(2) The board administrator may issue a temporary license for a period not to exceed one (1) year to an applicant who provides satisfactory proof of possession of a valid construction manager's license issued by another state pursuant to requirements substantially similar to those set forth in section 54-4505, Idaho Code.~~

~~(3) Interim and tTemporary licenses may not be renewed nor their terms extended beyond the period set forth in this section.~~

SECTION 5. That Section 54-4507, Idaho Code, be, and the same is hereby amended to read as follows:

54-4507. LICENSE RENEWAL. (1) Each construction management license issued under the terms of this chapter shall expire and become invalid one (1) year after issuance unless renewed in the manner prescribed by the board.

(2) Upon application, the board administrator may grant inactive status to the holder of a license who is no longer actively providing construction management services.

(3) The board may provide for reinstatement of an expired or inactive license upon such terms as it may determine by rule.

SECTION 6. That Section 54-4508, Idaho Code, be, and the same is hereby amended to read as follows:

54-4508. DISCIPLINARY PROCEEDINGS. (1) The board administrator shall have the authority to deny or refuse to renew a license or certificate of authority, defer or precondition licensure, suspend or revoke a license, impose an administrative fine not to exceed twenty thousand dollars (\$20,000) per violation, impose the administrative costs of bringing the action before the board including, but not limited to, hearing officer fees, expert witness fees, attorney's fees, costs of hearing transcripts and copies, or impose probationary conditions on a person or the holder of a license or certificate of authority, upon the following grounds:

- (a) Fraud or deception in the procurement of a license or certificate of authority or in the taking of an examination required under the provisions of this chapter;
- (b) Incompetence in the performance of a construction manager's duties;
- (c) Holding oneself or one's firm out as a construction manager by engaging in any act meeting the definition or character of a construction manager as defined herein without a legally required license;
- (d) Fraud or deceit in the performance of a construction manager's duties; or
- (e) Willful violation of the provisions of this chapter or the rules promulgated by the board.

(2) Proceedings ~~which~~ that may result in the suspension or revocation of a license or certificate of authority, or the imposition of probationary or other disciplinary conditions on the holder of a license or certificate of authority, shall be conducted in accordance with the provisions of chapter 52, title 67, Idaho Code; provided however, that the suspension of a certificate of authority, upon the notification by its holder that the construction manager it has designated to the board administrator no longer is a principal or employee of the firm, shall not be required to be conducted in accordance with the provisions of chapter 52, title 67, Idaho Code.

(3) The board may, by rule, provide for the reinstatement of suspended or revoked licenses upon such terms as it may impose.

SECTION 7. That Section 54-4509, Idaho Code, be, and the same is hereby amended to read as follows:

54-4509. CERTIFICATES OF AUTHORITY FOR FIRMS. (1) No firm shall provide or hold itself out as providing construction management services unless it has a certificate of authority issued by the board administrator. If one (1) or more principals or employees of a firm are licensed construction managers, the firm may apply to the board administrator for a certificate of authority to provide and hold itself out as providing construction management services. An application for a certificate of authority shall:

- (a) Designate the licensed construction manager or managers, who are principals or employees of the firm, specified to be in responsible charge of construction management services provided by the firm;
- (b) Be accompanied by a statement signed by such licensed construction manager or managers accepting the responsibility and duty to provide construction management services for the firm; and
- (c) Contain such other information as the board administrator reasonably may require.

If the board administrator concludes that the construction manager or managers designated by the firm is or are licensed in good standing and that the firm meets such other criteria reasonably established by the board, ~~it~~ he shall issue a certificate of authority to the firm authorizing it to provide and hold itself out as providing construction management services.

(2) If the construction manager or managers designated by the firm cease to be licensed or to be principals or employees of the firm, the firm shall immediately notify the board administrator in writing and shall cease to hold itself out as qualified to offer construction management services. Upon receiving such notification, the board administrator shall suspend the firm's certificate of authority. If the firm is in the process of providing construction management services when its designated licensed construction manager becomes unable to provide those services, the firm shall complete the construction management services for the project by using the services of another licensed construction manager who need not be a principal or employee of the firm. The firm shall not provide or hold itself out as providing construction management services for other projects until the board administrator has reinstated the firm's certificate of authority which the board administrator shall do if the firm submits an application for reinstatement of its certificate of authority, which shall contain the information required for an original application together with such other information as the board administrator reasonably may require, and the board administrator finds such application to be satisfactory and complete.

SECTION 8. That Section 54-4510, Idaho Code, be, and the same is hereby amended to read as follows:

54-4510. FEES -- DISPOSITION OF FUNDS. (1) The board shall adopt by rule reasonable fees not to exceed two hundred dollars (\$200) for each of the following:

- (a) Initial examination and licensing;
- (b) License renewal;
- (c) Inactive licenses;
- (d) License reinstatement; and
- (e) Issuance, suspension and reinstatement of a certificate of authority.

(2) All fees collected by the board administrator shall be paid to the public works contractors license board and deposited in the state treasury, to the credit of the public works contractors license board fund, and shall be used only for the administration of the provisions of this chapter. All expenses incurred pursuant to the provisions of this chapter shall be paid from the public works contractors license board fund. All fees collected by the board administrator under the provisions of this chapter are hereby appropriated for one (1) year following the effective date of this chapter and thereafter as appropriated each year by the legislature for carrying out the purposes and objectives of this chapter and to pay all costs and expenses incurred in connection therewith. Such moneys shall be paid out on warrants drawn by the state controller upon presentation of proper vouchers approved by the board.

SECTION 9. That Section 54-4514, Idaho Code, be, and the same is hereby amended to read as follows:

54-4514. INJUNCTIVE RELIEF. The board administrator may bring an action in the district court for a temporary restraining order, preliminary injunction or permanent injunction against any person who violates the provisions of this chapter.

Approved March 24, 2017

CHAPTER 123
(H.B. No. 87)

AN ACT

RELATING TO PLUMBING AND PLUMBERS; AMENDING SECTION 54-2605, IDAHO CODE,
TO REVISE DAILY COMPENSATION PROVIDED TO MEMBERS OF THE IDAHO PLUMBING
BOARD AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 54-2605, Idaho Code, be, and the same is hereby amended to read as follows:

54-2605. IDAHO PLUMBING BOARD. (1) The Idaho plumbing board, referred to as the board, is hereby created and made a part of the division of building safety. It shall be the responsibility and duty of the administrator of the division of building safety to administer and enforce the provisions of this act; and the board shall make, promulgate and publish such rules as may be necessary for carrying out the provisions of this act in order to effectuate the purposes thereof and for the orderly and efficient administration thereof, and except as may be limited or prohibited by law and the provisions of this act, such rules so made and promulgated shall have the force of statute.

(2) The board shall consist of five (5) members. The members shall be appointed at large by the governor and shall serve at the pleasure of the governor. Members shall be appointed for a term of three (3) years. Whenever a vacancy occurs, the governor shall forthwith appoint a qualified person to fill the vacancy for the unexpired portion of the term.

(3) All members of the board shall be United States citizens, residents of this state for not less than two (2) years, and qualified by knowledge, integrity and experience to properly execute the functions of the board. Two (2) members shall be members of the public at large with an interest in the rights of consumers of plumbing services; one (1) member shall be an active plumbing contractor with not less than five (5) years' experience in the plumbing contracting business; one (1) member shall be an active plumbing contractor with not less than five (5) years in the plumbing contracting business with an additional background of experience in gas piping installations in buildings; and one (1) member shall be a journeyman plumber. All members of the board shall take, subscribe and file with the secretary of state an oath of office in the form, manner and time prescribed by chapter 4, title 59, Idaho Code.

(4) The board shall meet within thirty (30) days after the appointment of all its members and thereafter at such other times as may be expedient and necessary for the proper performance of its duties. At the board's first meeting, the members shall elect one (1) of their number to be chairman. A majority of the board shall constitute a quorum for the transaction of business and not less than two (2) quorum meetings shall be held each year. The board may delegate to any member, or its chairman or other employees, the power to make investigations and hold hearings at any place it may deem proper, and to report findings to it; and may delegate to its chairman and employees the performance of ministerial functions.

(5) Each member of the board shall be compensated as provided by section 59-509(hn), Idaho Code.

Approved March 24, 2017

CHAPTER 124
(H.B. No. 90)

AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-1401, IDAHO CODE, TO REVISE INFRACTION PROVISIONS REGARDING UPLAND GAME BIRD SHOOTING HOURS RESTRICTIONS AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 36-1401, Idaho Code, be, and the same is hereby amended to read as follows:

36-1401. VIOLATIONS. (a) Infractions. Any person who pleads guilty to or is found guilty of a violation of the following provisions of the fish and game code or the following rules or proclamations promulgated pursuant thereto is guilty of an infraction:

1. Statutes.

(A) Take, transport, use or have in possession bait fish as set forth in section 36-902(d), Idaho Code.

(B) Chumming as set forth in section 36-902(e), Idaho Code.

(C) Nonresident child under the age of fourteen (14) years fishing without a valid license and not accompanied by a valid license holder as set forth in section 36-401(a)2., Idaho Code.

(D) Use or cut a hole larger than ten (10) inches in the ice for ice fishing as set forth in section 36-1509(a), Idaho Code.

(E) Store fish without required tags/permits/statements as set forth in section 36-503, Idaho Code.

(F) Own, possess or harbor any dog found running loose and which is tracking, pursuing, harassing or attacking a big game animal as set forth in section 36-1101(b)7.(B), Idaho Code.

(G) Hunt migratory waterfowl without having in possession a signed federal migratory bird hunting stamp as set forth in section 36-1102(b)2., Idaho Code.

(H) Hunt migratory game birds without having in possession a license validated for the federal migratory bird harvest information program permit as set forth in section 36-409(k), Idaho Code.

(I) Trap in or on, destroy or damage any muskrat house as provided in section 36-1103(c), Idaho Code.

(J) Hunt migratory game birds with a shotgun capable of holding more than three (3) shells as provided and incorporated in section 36-1102(b), Idaho Code.

(K) Fail to purchase a muzzleloader permit as set forth in section 36-409(f), Idaho Code.

(L) Fail to purchase an archery permit as set forth in section 36-409(e), Idaho Code.

2. Rules or Proclamations.

(A) Fish from a raft or boat with motor attached in waters where motors are prohibited.

(B) Fish with hooks larger than allowed in that water.

(C) Fish with barbed hooks in waters where prohibited.

(D) Exceed any established bag limit for fish by one (1) fish, except bag limits for anadromous fish, landlocked chinook salmon, kamloops rainbow trout, lake trout, or bull trout.

(E) Fish with more than the approved number of lines or hooks.

(F) Fail to leave head and/or tail on fish while fish are in possession or being transported.

- (G) Snag or hook fish other than in the head and fail to release, excluding anadromous fish.
- (H) Fail to attend fishing line and keep it under surveillance at all times.
- (I) Fail to comply with mandatory check and report requirements.
- (J) Fail to leave evidence of sex or species attached as required on game birds.
- (K) Hunt or take migratory game birds or upland game birds with shot exceeding the allowable size.
- (L) Fail to release, report or turn in nontarget trapped animals.
- (M) Fail to complete required report on trapped furbearer.
- (N) Fail to present required furbearer animal parts for inspection.
- (O) Fail to attach identification tags to traps.
- (P) Possess not more than one (1) undersized bass.
- (Q) Park or camp in a restricted area, except length of stay violations.
- (R) Fail to leave evidence of sex attached as required on game animals.
- (S) Fail to purchase sage grouse or sharp-tailed grouse hunting permit when hunting for sage grouse or sharp-tailed grouse anywhere within the state, except licensed shooting preserves.
- (T) Fail to wear at least thirty-six (36) square inches of visible hunter orange above the waist when hunting on wildlife management areas where pheasants are stocked.
- (U) ~~Take upland game birds, except wild turkey, from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise. Wild turkey shall not be taken between sunset and one-half (1/2) hour before sunrise. Upland game birds shall not be taken before 10 a.m. during the pheasant season on the Fort Boise, Montour, Payette river and C.J. Strike wildlife management areas~~ Fail to comply with upland game bird shooting hours restrictions established by commission rule or proclamation.
- (V) Public use restrictions. Activities prohibited unless specifically authorized by the commission or under lease, permit, contract or agreement issued by the director, regional supervisor or other authorized agent:
- (i) Use watercraft on any waters that are posted against such use;
 - (ii) Conduct dog field trials of any type during the period of October 1 through July 31. All dog field trials and dog training with the use of artificially propagated game birds between August 1 and September 30 will be under department permit as authorized by the director;
 - (iii) Construct blinds, pits, platforms or tree stands where the soil is disturbed, trees are cut or altered, and artificial fasteners, such as wire, rope or nails are used. All blinds shall be available to the public on a ~~first-come-first-served~~ first-come, first-served basis. Portable manufactured blinds and tree stands are allowed but may not be left overnight;
 - (iv) Shoot within, across or into posted safety zones;
 - (v) Leave decoys unattended. Decoys cannot be put in place any earlier than two (2) hours prior to official shooting hours for waterfowl, and all decoys must be picked up and removed from the hunting site no later than two (2) hours after official shooting hours for waterfowl that particular day;
 - (vi) Discharge any paintball guns;

- (vii) Place a geocache;
- (viii) Use for group events of ~~over~~ more than fifteen (15) people;
- (ix) Use or transport any hay, straw or mulch that is not weed seed free certified.

(W) Evidence of species. In seasons restricted to mule deer only or white-tailed deer only, if the head is removed, the fully-haired tail must be left naturally attached to the carcass.

(X) Continue to fish on Henry's lake after reaching limit.

(b) Misdemeanors. Any person who pleads guilty to, is found guilty or is convicted of a violation of the provisions of this title or rules or proclamations promulgated pursuant thereto, or orders of the commission, except where an offense is expressly declared to be an infraction or felony, shall be guilty of a misdemeanor.

(c) Felonies. Any person who pleads guilty to, is found guilty or is convicted of a violation of the following offenses shall be guilty of a felony:

1. Knowingly and intentionally selling or offering for sale or exchange, or purchasing or offering to purchase or exchange, any wildlife, or parts thereof, which has been unlawfully killed, taken or possessed.
2. Releasing into the wild, without a permit from the director, any of the following wildlife, whether native or exotic: ungulates, bears, wolves, large felines, swine, or peccaries.
3. Unlawfully killing, possessing or wasting of any combination of numbers or species of wildlife within a twelve (12) month period which has a single or combined reimbursable damage assessment of more than one thousand dollars (\$1,000), as provided in section 36-1404, Idaho Code.
4. Conviction within ten (10) years of three (3) or more violations of the provisions of this title, penalties for which include either or both a mandatory license revocation or a reimbursable damage assessment.

Approved March 24, 2017

CHAPTER 125
(H.B. No. 98)

AN ACT

RELATING TO REAL ESTATE BROKERS; AMENDING SECTION 54-2053, IDAHO CODE, TO REQUIRE CLEAR AND CONSPICUOUS IDENTIFICATION OF A BROKER'S LICENSED BUSINESS NAME ON REAL PROPERTY ADVERTISING AND TO MAKE A TECHNICAL CORRECTION.

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

SECTION 1. That Section 54-2053, Idaho Code, be, and the same is hereby amended to read as follows:

54-2053. ADVERTISING. (1) Only licensees who are actively licensed in Idaho may be named by an Idaho broker in any type of advertising of Idaho real property, may advertise Idaho property in Idaho or may have a sign placed on Idaho property.

(2) All advertising of listed property shall clearly and conspicuously contain the broker's licensed business name. A new business name shall not be used or shown in advertising unless and until a proper notice of change in the business name has been approved by the commission.

(3) All advertising by licensed branch offices shall clearly and conspicuously contain the broker's licensed business name.

(4) No advertising shall provide any information to the public or to prospective customers or clients which that is misleading in nature. Information is misleading if, when taken as a whole, there is a distinct probability that such information will deceive the persons whom it is intended to influence.

Approved March 24, 2017

CHAPTER 126
(H.B. No. 104, As Amended in the Senate)

AN ACT

RELATING TO DOG RACING; AMENDING SECTION 54-2514A, IDAHO CODE, TO PROVIDE AN EXCEPTION TO APPLICABILITY OF PROHIBITIONS AGAINST DOG RACING FOR CERTAIN EXHIBITION-STYLE LIVE DOG RACES, TO PROVIDE THAT THE PROHIBITION ON DOG RACES SHALL NOT APPLY TO CERTAIN SLED DOG RACES AND TO PROVIDE A DEFINITION AND CONDITIONS.

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

SECTION 1. That Section 54-2514A, Idaho Code, be, and the same is hereby amended to read as follows:

54-2514A. DOG RACING ILLEGAL AFTER THE EFFECTIVE DATE OF THIS ACT. (1) On and after the effective date of this act, live dog races and pari-mutuel betting on such races or the training of dogs to compete in live dog races shall be illegal in the state of Idaho. Notwithstanding any other provision of law to the contrary, the provisions of this section shall not be deemed to alter or affect simulcasts and simulcast pari-mutuel wagering at a facility that was licensed and authorized prior to January 1, 1996, to conduct live dog races and pari-mutuel wagering on them prior to the effective date of this act, and horse and dog race simulcasts and pari-mutuel wagering on such simulcasts may be conducted at that facility, or at an alternate facility in the same county and approved by the commission as if the facility were still licensed and under the same conditions and restrictions imposed by law on a licensee. Under no circumstances shall the provisions of this section or section 54-2512, Idaho Code, be used to grant more than one (1) license to conduct simulcast pari-mutuel wagering in any county. Any person participating or conducting a live dog race or pari-mutuel betting on such a live dog race or the training of dogs to compete in live dog races in violation of this section shall be guilty of a felony.

(2) The provisions of subsection (1) of this section shall not apply to exhibition-style live dog races upon which no pari-mutuel betting occurs on or off the site of the race or training, where the maximum track length and race does not exceed one hundred fifty (150) feet, or to the training of dogs to compete in exhibition-style live dog races, conducted at county fairs. The proper care, humane treatment and protection of a dog participating in an exhibition dog race shall be the responsibility of its owner, and all dog races and associated training shall be conducted in a manner consistent with the provisions of chapter 35, title 25, Idaho Code.

(3) The provisions of subsection (1) of this section shall not apply to a sled dog race or to the training of dogs for a sled dog race meeting the requirements of this subsection and upon which no pari-mutuel betting occurs on or off the site of the race or training. A "sled dog race" means a timed competition of teams of sled dogs that pull a sled with the dog musher standing on the runners of the sled. The proper care, humane treatment and protection of a dog participating in a sled dog race shall be the responsibility of its owner, and all sled dog races and associated training shall be con-

ducted in a manner consistent with the provisions of chapter 35, title 25, Idaho Code.

Approved March 24, 2017

CHAPTER 127
(H.B. No. 108)

AN ACT

RELATING TO PROPRIETARY SCHOOLS; AMENDING SECTION 33-2403, IDAHO CODE, TO PROVIDE AN EXEMPTION FROM PROPRIETARY SCHOOL REGISTRATION PROVISIONS FOR AN INDIVIDUAL OR ENTITY THAT OFFERS A PROGRAM, SCHOOL OR COURSE RELATED TO THE INSTRUCTION OR PRACTICE OF YOGA; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 33-2403, Idaho Code, be, and the same is hereby amended to read as follows:

33-2403. REGISTRATION OF PROPRIETARY SCHOOLS. (1) Unless exempted as provided in subsection (4) of this section, each proprietary school which maintains a presence within the state of Idaho, or which operates or purports to operate from a location within the state of Idaho, shall register annually with and hold a valid certificate of registration issued by the director.

(2) The board shall prescribe by rule the procedure for registration, which shall include, but is not limited to, a description of each course or courses of study, for academic credit or otherwise, that a proprietary school intends to conduct, provide, offer or sell.

(3) The director may deny the registration of a proprietary school that does not meet the standards or criteria established in rule by the board. The administrative procedure act, chapter 52, title 67, Idaho Code, shall apply to any denial of registration under this section.

(4) The following individuals or entities are specifically exempt from the registration provisions required by this section:

(a) An individual or entity that offers instruction or training solely avocational or recreational in nature, as determined by the board.

(b) An individual or entity that offers courses recognized by the board which comply in whole or in part with the compulsory education law.

(c) An individual or entity that offers a course or courses of study sponsored by an employer for the training and preparation of its own employees, and for which no tuition fee is charged to the student.

(d) An individual or entity that conducts or engages in activities that would otherwise require registration under chapter 24, title 33, Idaho Code, if another state agency, commission or board regulates such activities pursuant to title 54, Idaho Code.

(e) An individual or entity that offers intensive review courses designed to prepare students for certified public accountancy tests, public accountancy tests, law school aptitude tests, bar examinations or medical college admissions tests, or similar instruction for test preparation.

(f) An individual or entity offering only workshops or seminars lasting no longer than three (3) calendar days and offered no more than four (4) times per year.

(g) A parochial or denominational institution providing instruction or training relating solely to religion and for which degrees are not granted.

(h) An individual or entity that offers postsecondary credit through a consortium of public and private colleges and universities under the auspices of the western governors.

(i) An individual that offers flight instruction and that accepts payment for services for such training on a per-flight basis after the training occurs, or that accepts advance payment or a deposit for such training in a de minimus amount, as established by the board in rule.

(j) An individual or entity that offers a program, school or course related to the instruction or practice of yoga.

(5) The director shall assess an annual registration fee on each proprietary school required to be registered under this section as established in rule by the board. Such annual registration fee shall not exceed five thousand dollars (\$5,000) and shall be collected by the director, and shall be dedicated for use by the director in connection with his responsibilities under this chapter.

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 24, 2017

CHAPTER 128

(H.B. No. 126, As Amended in the Senate)

AN ACT

RELATING TO APPOINTMENT OF OFFICERS; AMENDING SECTION 27-109, IDAHO CODE, TO PROVIDE THAT THE BOARD OF COUNTY COMMISSIONERS SHALL MAKE CERTAIN APPOINTMENTS TO A CEMETERY MAINTENANCE BOARD, TO PROVIDE FOR CERTAIN APPOINTMENTS TO A CEMETERY MAINTENANCE BOARD WHEN THE CEMETERY MAINTENANCE DISTRICT IS LOCATED IN MORE THAN ONE COUNTY, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 27-110, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 31-1408, IDAHO CODE, TO PROVIDE THAT THE BOARD OF COUNTY COMMISSIONERS SHALL MAKE CERTAIN APPOINTMENTS TO A FIRE PROTECTION BOARD AND TO PROVIDE FOR CERTAIN APPOINTMENTS TO A FIRE PROTECTION BOARD WHEN THE FIRE PROTECTION DISTRICT IS LOCATED IN MORE THAN ONE COUNTY; AMENDING SECTION 31-1409, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 31-4304, IDAHO CODE, TO PROVIDE THAT THE BOARD OF COUNTY COMMISSIONERS SHALL MAKE CERTAIN APPOINTMENTS TO THE BOARD OF A RECREATION DISTRICT AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 31-4319, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION.

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

SECTION 1. That Section 27-109, Idaho Code, be, and the same is hereby amended to read as follows:

27-109. CEMETERY MAINTENANCE BOARD -- APPOINTMENT OF COMMISSIONERS -- OATH. There shall be three (3) cemetery maintenance commissioners in each district, who shall constitute the cemetery maintenance board. The first cemetery maintenance commissioners of such cemetery maintenance district shall be appointed by the ~~governor~~ board of county commissioners. If the district is to be situated in two (2) or more counties, the boards of county commissioners for those counties shall coordinate a joint public meeting whereby the appointment shall be made by a majority of all county commissioners present at the joint public meeting. If the county commissioners cannot

agree on the appointment of a commissioner, all the interested persons who received the highest and equal number of votes shall have their names placed in a container. The county commissioner with the most continuous length of service shall draw one (1) name from the container. The person whose name is drawn shall then be appointed to fill the vacancy. The certificate of such appointment shall be made in triplicate: one (1) certificate shall be filed in the office of the county recorder of the county, one (1) with the clerk of the board of county commissioners, and one (1) with the assessor and tax collector of the county. Every cemetery maintenance commissioner shall take and subscribe the official oath, which oath shall be filed in the office of the board of cemetery maintenance commissioners.

SECTION 2. That Section 27-110, Idaho Code, be, and the same is hereby amended to read as follows:

27-110. TERM OF OFFICE -- VACANCIES. At the meeting of the board of county commissioners at which the cemetery maintenance district is declared organized, as provided by section 27-108, Idaho Code, said board of county commissioners shall divide the cemetery maintenance district into three (3) subdivisions, as nearly equal in population, area and mileage as practicable, to be known as cemetery maintenance commissioners subdistricts one (1), two (2) and three (3). Not more than one (1) of said commissioners shall be an elector of the same cemetery maintenance subdistrict. The first commissioners appointed by the ~~governor~~ board of county commissioners shall serve until the next cemetery maintenance district election, at which their successors shall be elected. Any vacancy occurring in the office of the cemetery maintenance commissioner, other than by the expiration of the term of office, shall be filled by the cemetery maintenance board.

SECTION 3. That Section 31-1408, Idaho Code, be, and the same is hereby amended to read as follows:

31-1408. FIRE PROTECTION BOARD -- APPOINTMENT OF COMMISSIONERS -- OATH. (1) There shall be three (3) fire protection commissioners in each district, who shall constitute the fire protection board. The first fire protection commissioners of such fire protection district shall be appointed by the ~~governor~~ board of county commissioners. If the district is to be situated in two (2) or more counties, the boards of county commissioners from those counties shall coordinate a joint public meeting whereby the appointment shall be made by a majority of all county commissioners present at the joint public meeting. If the county commissioners cannot agree on the appointment of a commissioner, all the interested persons who received the highest and equal number of votes shall have their names placed in a container. The county commissioner with the most continuous length of service shall draw one (1) name from the container. The person whose name is drawn shall then be appointed to fill the vacancy. The certificate of such appointment shall be made in triplicate: one (1) certificate shall be filed in the office of the county recorder of the county, one (1) with the clerk of the board of county commissioners, and one (1) with the assessor and tax collector of the county. Every fire protection commissioner and appointed officer shall take and subscribe the official oath, which oath shall be filed in the office of the board of fire protection commissioners. If thirty-three percent (33%) of the area or population in the fire protection district is situated in two (2) or more counties, not more than two (2) of the appointed fire protection district commissioners shall be from the same county.

(2) The oath of office of fire protection commissioners and appointed officers shall be taken before the secretary or the president of the board of the fire protection district at the first regularly scheduled board meeting in January succeeding each election. Provided however, in the event of an

inability to appear for the taking of the oath, a duly elected fire protection commissioner may be sworn in and may subscribe to the oath wherever he may be, provided he appear before an officer duly authorized to administer oaths, and provided further that any person who is in any branch of the armed forces of the United States of America may appear before any person qualified to administer oaths as prescribed in section 55-705, Idaho Code, and may take and subscribe the oath of office as provided for in section 59-401, Idaho Code, and the oath of office shall have the same force and effect as though it were taken before the secretary or the president of the fire protection district pursuant to this subsection.

SECTION 4. That Section 31-1409, Idaho Code, be, and the same is hereby amended to read as follows:

31-1409. RESIDENCE QUALIFICATIONS OF COMMISSIONERS -- TERM OF OFFICE -- VACANCIES. (1) At the meeting of the board of county commissioners at which the fire protection district is declared organized, as provided by section 31-1407, Idaho Code, the county commissioners shall divide the fire protection district into three (3) subdivisions, as nearly equal in population, area and mileage as practicable, to be known as fire protection commissioners subdistricts one, two and three. Not more than one (1) of the fire protection district commissioners shall be a resident of the same fire protection subdistrict, except that any commissioner appointed by the ~~governor~~ board of county commissioners under section 31-1408, Idaho Code, shall not be disqualified from the completion of the initial term for which the commissioner was appointed because of the subdistrict in which the commissioner resides. The first commissioners appointed by the ~~governor~~ board of county commissioners shall serve until the next fire protection district election, at which time their successors shall be elected. The term of office for fire protection commissioners shall commence on the second Monday of January succeeding each general election. Commissioners appointed and elected must be electors residing within the fire protection district for at least one (1) year immediately preceding their election.

(2) Any fire protection commissioner vacancy occurring, other than by the expiration of the term of office, shall be filled by the fire protection board. If a duly elected or appointed fire protection commissioner resigns, withdraws, becomes disqualified, refuses or becomes otherwise unable to perform the duties of office for longer than ninety (90) days, the board, on satisfactory proof of the vacancy, shall declare the office vacant. The board shall fill any vacancies within sixty (60) days of learning of the vacancy. When a vacancy occurs, the board shall direct the secretary to cause a notice of the vacancy to be published in at least one (1) issue of a newspaper of general circulation within the district. The notice shall include the date and time of the meeting when the board will vote to fill the vacancy, and the deadline for qualified elector residents interested in being appointed to the position to submit a written request for appointment to the board. Should the board fail to agree on an individual to fill the vacancy, it shall select the individual by ~~a coin toss to be conducted at a fire protection board meeting.~~ Candidates for the vacancy shall be invited by the board to attend the meeting and observe the coin toss. The candidate who wins the coin toss shall be appointed to fill the vacancy in the following manner. If the county commissioners cannot agree on the appointment of a commissioner, all the interested persons who received the highest and equal number of votes shall have their names placed in a container. The county commissioner with the most continuous length of service shall draw one (1) name from the container. The person whose name is drawn shall then be appointed to fill the vacancy.

SECTION 5. That Section 31-4304, Idaho Code, be, and the same is hereby amended to read as follows:

31-4304. CREATION OF RECREATION DISTRICTS. A recreation district may be created as follows:

(a) Any person or persons may file a petition for the formation of a recreation district with the clerk. Such petition which may be in one (1) or more papers shall clearly designate the boundaries of the proposed district, shall state the name of the proposed district, shall state the maximum tax rate that would be imposed upon taxable property within the district or planned unit development recreation districts, and shall be signed by not less than twenty percent (20%) of the qualified electors resident within the boundaries of the proposed district. The boundaries of the proposed district shall include contiguous territory having market value for assessment purposes of not less than five million dollars (\$5,000,000) at the last preceding county assessment and shall not include any area included within an already existing recreation district. The petition shall be accompanied by a map showing the boundaries of the proposed district.

(b) The clerk shall, within ten (10) days after the filing of such petition and map, estimate the cost of advertising and holding the election provided in this section and notify in writing the person or any one of the persons filing such petition as to the amount of such estimate. Such person or persons shall within twenty (20) days after receipt of such written notice deposit such estimated amount with the clerk in cash, or such petition shall be deemed withdrawn. If the deposit is made and the district is formed, the person or persons so depositing such sum shall be reimbursed from the first moneys collected by the district from the taxes authorized to be levied by this chapter.

(c) Within thirty (30) days after the filing of such petition together with such map and the making of such cash deposit, the county commissioners shall determine whether or not the same substantially comply 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 the effect specifying the particular deficiencies, dismissing such petition and refunding such cash deposit. 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 an election, subject to the provisions of section 34-106, Idaho Code, upon the formation of such proposed district as provided in this section.

(d) If the county commissioners order an election as provided in this section, such election shall be conducted in accordance with the general election laws of the state, including the provisions of chapter 14, title 34, Idaho Code. The county commissioners shall establish election precincts, design and print elector's oaths, ballots and other necessary supplies, appoint election personnel and by rule and regulation provide for the conduct and tally of such election. Each qualified elector who is a resident of the proposed district shall be entitled to vote in such election. The clerk shall give notice of such election which notice shall clearly designate the boundaries of such proposed district, shall state the name of the proposed district as designated in the petition, shall state the date of such election and the hours on such date which the polls will be open for receipt of ballots, shall set forth the qualifications of electors, and shall state that a map showing the boundaries of such district is on file in the office of the clerk. Such notice shall be published for the first time, not less than twelve (12) days prior to the election, and the second publication shall be made not less than five (5) days prior to such election in a newspaper published within the county.

(e) Immediately after such election, the judges at such election shall forward the ballots and results of such election to the clerk. The

county commissioners shall canvass the vote within ten (10) days after such election. If one-half (1/2) or more of the votes cast at such election are against the formation of such district, the county commissioners shall enter an order so finding and declaring that such district shall not be formed. If more than one-half (1/2) of the votes cast at such election are in favor of forming such district, the county commissioners shall enter an order so finding, declaring such district duly organized under the name designated in such petition, and dividing such district into three (3) subdivisions, as nearly equal in population as possible, to be known as director's subdistricts one ~~(1)~~, two ~~(2)~~ and three ~~(3)~~. 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 and ~~shall cause one (1) certified copy of such order to be transmitted to the governor~~. Immediately upon the entry of such order, the organization of such district shall be complete.

(f) Upon receipt of a certified copy of the order of the county commissioners, the ~~governor~~ board of county commissioners shall appoint a qualified elector from each director's subdistrict who shall constitute the first board of such district. The appointees from director's subdistricts one ~~(1)~~ and two ~~(2)~~ shall serve until the first district election thereafter held at which their successors shall be elected and the appointee from director's subdistrict three ~~(3)~~ shall serve until the second district election thereafter held at which such appointee's successor shall be elected. The certificate of appointment shall be filed with the clerk with a copy forwarded to each appointee.

(g) When the boundaries of the proposed district lie in two (2) or more counties, the county commissioners of each county shall act separately in the election and organization of that part of the proposed district contained in their county but the county commissioners of each such county shall meet together before calling such election, subject to the provisions of section 34-106, Idaho Code, and provide for uniform proceedings in each county and fix the boundaries of each director's subdistrict in case such election shall carry.

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

SECTION 6. That Section 31-4319, Idaho Code, be, and the same is hereby amended to read as follows:

31-4319. ANNEXATION OF ADDITIONAL TERRITORY. After the organization of a district, additional territory adjoining the district and not included within an already existing recreation district, whether located in one (1) or several counties, may be annexed to and included within such district by the affirmative vote of a majority of the qualified electors of such additional territory voting on the question at an election held therefor, subject to the provisions of section 34-106, Idaho Code, but such additional territory shall not be annexed to and included within such district unless such annexation and inclusion ~~is~~ are first approved by resolution of the board of such district prior to the elections on the question of annexation. The same procedure with such modifications in the form of petition, notices, ballots, etc., as may be necessary shall be adopted as provided in section 31-4304, Idaho Code, except that no change shall be made in director's subdistricts until the next regular director's election and no appointment of any director shall be made by the ~~governor~~ board of county commissioners.

CHAPTER 129
(H.B. No. 130)

AN ACT

RELATING TO LOCAL GOVERNMENT FINANCES; AMENDING SECTION 50-208, IDAHO CODE, TO REVISE THE DUTIES OF CITY TREASURERS AND TO SATISFY PUBLICATION REQUIREMENTS; AMENDING SECTION 50-708, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE EXAMINATION OF ACCOUNTS OF FISCAL OFFICERS; AMENDING SECTION 57-135, IDAHO CODE, TO REVISE THE CONTENTS OF A TREASURER'S MONTHLY REPORT FOR PUBLIC DEPOSITORY LAW PURPOSES AND TO MAKE TECHNICAL CORRECTIONS; AND PROVIDING SEVERABILITY.

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

SECTION 1. That Section 50-208, Idaho Code, be, and the same is hereby amended to read as follows:

50-208. DUTIES OF TREASURER -- RECORD OF OUTSTANDING BONDS. (1) The treasurer of each city shall be the custodian of all moneys belonging to the city. ~~He shall keep a separate account of for each fund or appropriation, and made in its annual budget appropriation or otherwise directed by the city council. Such accounting shall track the debits and credits belonging relating thereto. ; he shall give a receipt to every person paying money into the treasury, thereon specifying the date of payment and on what account paid; he shall also file copies of such receipts with his monthly reports; he~~ The treasurer shall on a monthly basis, and no more than sixty (60) days after the conclusion of each month at the end of each and every month and as often as may be required, a regular meeting of the city council, render an account accounting to the city council, under oath, showing the state financial condition of the treasury at the date of such account accounting. The report shall state and the balances of money accounts maintained in the city's treasury. The treasurer shall also accompany such accounts with a statement of all receipts and disbursements, together with all warrants redeemed and paid by him, which said warrants, with any and all vouchers held by him, shall be filed with his said account in the clerk's office, and if said treasurer neglect or fail for the space of ten (10) days from the end of each and every month, to render his said account, his office shall be declared vacant, and the city council shall fill the vacancy by appointment make available credit and debit details of all such accounts when required by the mayor or by action of the governing board. Making the quarterly treasurer's report available for public review on the city's website within thirty (30) days of the conclusion of each quarter shall satisfy publication requirements established by section 50-1011, Idaho Code.

(2) ~~He~~ The treasurer shall also keep a record of all outstanding bonds against the city showing the number, amount of each, and to whom said bonds were issued; and when any bonds are purchased, paid or canceled, ~~said record shall show the fact. In his annual report he, the treasurer shall describe particularly the bonds issued and sold during the year, and the fiscal terms of the sale with each and every item of including the expenses related thereto thereof.~~

SECTION 2. That Section 50-708, Idaho Code, be, and the same is hereby amended to read as follows:

50-708. EXAMINATION OF ACCOUNTS OF FISCAL OFFICERS. At least once in each quarter of each year, the council shall examine by review of a quarterly treasurer's report included upon the city council agenda, either in open session or by committee, the accounts and doings of all officers or other

persons having the care, management or disposition of moneys, property or business subject to management by the chief financial officer of the city. Such report shall be completed no more than thirty (30) days after the end of each calendar quarter and shall then be transmitted to the city clerk for inclusion on the next available city council agenda.

SECTION 3. That Section 57-135, Idaho Code, be, and the same is hereby amended to read as follows:

57-135. TREASURER'S MONTHLY REPORT. It is If not otherwise required by statute to report information about the financial affairs of a political subdivision, it shall be the duty of the treasurer to file a report in writing, verified by his affidavit, with the auditor on governing board no later than the last business day of each and every month, showing exactly how much cash he has is in the treasury and in what bank or banks financial institutions such funds may be deposited, and if in more than one, how much in each, which reports shall or invested as of the last day of the preceding month. Such reports shall be included with materials related to the next governing board meeting agenda at which it may be examined by the supervising governing board at the next regular session following the filing of the same, and compared by it with the books of the treasurer at least twice a year, and if it. If the governing board shall find that the treasurer has wilfully willfully made any false statement therein, he may be suspended or removed from office in accordance with applicable provisions of law.

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.

Approved March 24, 2017

CHAPTER 130
(H.B. No. 133)

AN ACT

RELATING TO THE SOIL AND WATER CONSERVATION COMMISSION; AMENDING SECTION 22-2718, IDAHO CODE, TO REQUIRE AUDITS BY THE LEGISLATIVE AUDITOR; AND AMENDING SECTION 67-450D, IDAHO CODE, TO REMOVE THE SOIL AND WATER CONSERVATION COMMISSION FROM THE REQUIREMENT OF AN INDEPENDENT FINANCIAL AUDIT AND TO MAKE TECHNICAL CORRECTIONS; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

SECTION 1. That Section 22-2718, Idaho Code, be, and the same is hereby amended to read as follows:

22-2718. IDAHO STATE SOIL AND WATER CONSERVATION COMMISSION. (1) There is hereby established and created in the department of agriculture of the state of Idaho the Idaho state soil and water conservation commission which shall perform all functions conferred upon it by this chapter and shall be a nonregulatory agency. The commission shall consist of five (5) members appointed by the governor. In appointing commission members, the governor shall give consideration to geographic representation. Commission members shall be chosen with due regard to their demonstrated expertise including,

but not limited to, knowledge of and interest in water quality and other natural resource issues, production agriculture, banking or other similar financial experience or experience as a county commissioner. The soil and water conservation districts may submit to the governor a list of up to three (3) names for each vacancy on the commission and the governor may, in his discretion, consider any such submission in the appointment of commission members. The term of office of each commission member shall be five (5) years; except that upon July 1, 2010, the governor shall appoint one (1) member for a term of one (1) year, one (1) member for a term of two (2) years, one (1) member for a term of three (3) years, one (1) member for a term of four (4) years and one (1) member for a term of five (5) years. From and after the initial appointment the governor shall appoint a member of the commission to serve in office for a term of five (5) years commencing upon July 1 of that year. A vacancy which occurs in an unexpired term shall be filled for its remainder by the governor's appointment. Each vacancy on the commission shall be filled by appointment by the governor. Such appointments shall be confirmed by the senate. Commission members shall serve at the pleasure of the governor. The commission may invite the state conservationist of the United States department of agriculture natural resources conservation service, a representative from a district or districts and the dean of the college of agriculture of the university of Idaho or his designated representative, or any other person or entity as the commission deems appropriate, to serve as nonvoting advisory members of the commission. The commission shall keep a record of its official actions, shall adopt a seal, which seal shall be judicially noticed, and may perform such acts, hold such public hearings and promulgate such rules as may be necessary for the execution of its functions under this chapter.

(2) The state soil and water conservation commission shall appoint the administrator of the state soil and water conservation commission. The state soil and water conservation commission may employ such technical experts and such other agents and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties and compensation. The commission may call upon the attorney general of the state for such legal services as it may require. It shall have authority to delegate to its chairman, to one (1) or more of its members, or to one (1) or more agents or employees, such powers and duties as it may deem proper. The commission may establish offices, incur expenses, enter into contracts and acquire services and personal property as may be reasonable for the proper administration and enforcement of this chapter. Upon request of the commission, for the purpose of carrying out any of its functions, the supervising officer of any state agency, or of any state institution of learning, shall insofar as may be possible under available appropriation, and having due regard to the needs of the agency to which the request is directed, assign or detail to the commission members of the staff or personnel of such agency or institution of learning, and make such special reports, surveys or studies as the commission may request.

(3) The commission shall designate its chairman, and may from time to time, change such designation. A majority of the commission shall constitute a quorum and the concurrency of a majority in any matter within their duties shall be required for its determination. The chairman and members of the commission shall be compensated as provided by section 59-509(h), Idaho Code. The commission shall provide for the execution of surety bonds for all employees and officers who shall be entrusted with funds or property; shall provide for the keeping of a full and accurate record of all proceedings and of all resolutions, and orders issued or adopted; and shall provide for an annual audit periodic management review of the accounts of receipts and disbursements as determined by the legislative auditor pursuant to section 67-702, Idaho Code.

(4) In addition to the duties and powers hereinafter conferred upon the state soil and water conservation commission, it shall have the following responsibilities:

(a) To offer such assistance as may be appropriate to the supervisors of soil conservation districts in the carrying out of any of their powers and programs.

(b) To keep the supervisors of each of the several soil conservation districts informed of the activities and experience of all other soil conservation districts and to facilitate an interchange of advice and experience between such districts and cooperation between them.

(c) To coordinate the progress of the several soil conservation districts so far as this may be done by advice and consultation.

(d) To secure the cooperation and assistance of the United States and any of its agencies, and of agencies of this state, in the work of such districts.

(e) To disseminate information throughout the state concerning the activities and programs of the soil conservation districts in areas where their organization is desirable.

(f) To provide for the establishment and encouragement of the "Idaho OnePlan" as a primary computer-based conservation planning process for all natural resource concerns. Establishment and encouragement will be accomplished through an executive group and steering committee both containing private, state and federal representation. The information provided by those using the "Idaho OnePlan" shall be deemed to be trade secrets, production records or other proprietary information and shall be kept confidential and shall be exempt from disclosure pursuant to section 74-107, Idaho Code.

(5) In addition to other powers, functions and duties of soil conservation districts and the state soil and water conservation commission provided in this chapter, the commission shall have the following additional powers, functions and duties:

(a) The commission shall conduct, in cooperation with appropriate federal and state agencies and the owners and operators of privately owned forest lands, rangelands and agricultural lands in this state, conservation improvements on or in respect to these lands for the purposes of implementing conservation systems to conserve and improve natural resource conditions;

(b) The commission shall assist and advise soil conservation districts and other entities in implementing the conservation improvements, projects and the water quality program for agriculture. To the extent that there are available general funds, the commission shall provide for grants and cost-share opportunities and, as legislatively designated, utilize the resource conservation and rangeland development fund for loans for conservation improvements. Provided however, that the commission shall determine whether general or resource conservation and rangeland development funds are available before approving any conservation improvements, projects and cost-share opportunities and, after having made such determination, shall enter into the necessary contracts for implementation;

(c) The commission shall be the agency responsible for the administration of funds accruing to the resource conservation and rangeland development fund and for all general funds appropriated as a separate and distinct action of the legislature to implement the powers, functions and duties of soil conservation districts and the commission;

(d) On or before March 1 of each year, the commission shall report to the senate agricultural affairs committee and the house agricultural affairs committee; and

(e) The commission shall promulgate such rules as are necessary to carry out the purposes of this chapter.

SECTION 2. That Section 67-450D, Idaho Code, be, and the same is hereby amended to read as follows:

67-450D. INDEPENDENT FINANCIAL AUDITS -- DESIGNATED ENTITIES. (1) Notwithstanding any other provisions of the Idaho Code relating to audit requirements regarding the entities hereinafter designated, beginning on July 1, 2010, the requirements set forth in this section shall constitute the minimum audit requirements for the following entities:

Alfalfa and clover seed commission;
Idaho apple commission;
Idaho barley commission;
Idaho bean commission;
Idaho beef council;
Idaho cherry commission;
Idaho dairy products commission;
Idaho food quality assurance institute;
Idaho forest products commission;
Idaho grape growers and wine producers commission;
Idaho honey commission;
Idaho hop grower's commission;
Idaho mint commission;
Idaho oilseed commission;
Idaho pea and lentil commission;
Idaho potato commission;
Idaho rangeland resources commission;
~~Soil and water conservation commission;~~
Idaho wheat commission.

(2) The minimum requirements for any audit performed under the provisions of this section are:

(a) Any entity whose annual expenditures (from all sources) exceed two hundred fifty thousand dollars (\$250,000) shall cause a full and complete audit of its financial statements to be made each fiscal year.

(b) Any entity whose annual expenditures (from all sources) exceed one hundred thousand dollars (\$100,000), but do not exceed two hundred fifty thousand dollars (\$250,000), in the current year shall have an annual audit or may elect to have its financial statements audited on a biennial basis. The first year that expenditures exceed one hundred thousand dollars (\$100,000) is the first year of the biennial audit period. The designated entity may continue the biennial audit cycle in subsequent years as long as the entity's annual expenditures during the first year of the biennial audit period do not exceed two hundred fifty thousand dollars (\$250,000). In the event that annual expenditures exceed two hundred fifty thousand dollars (\$250,000) in the current year following a year in which a biennial audit was completed, the designated entity shall complete an annual audit. In the event that annual expenditures in the current year do not exceed one hundred thousand dollars (\$100,000) following a year in which an annual or biennial audit was completed, the designated entity has no minimum audit requirement.

(c) Any entity whose annual expenditures (from all sources) do not exceed one hundred thousand dollars (\$100,000) has no minimum audit requirements under the provisions of this section.

(d) Federal audit requirements applicable because of expenditure of federal assistance supersede the minimum audit requirements provided in this section.

(3) All moneys received or expended by the entities identified in subsection (1) of this section shall be audited as specified in subsection (2) of this section by a certified public accountant designated by the entity, who shall furnish a copy of such audit to the director of the legislative services office and to the senate agricultural affairs committee and the house

of representatives agricultural affairs committee. The audit shall be completed within ninety (90) days following the close of the commission's fiscal year.

(4) Any entity identified in subsection (1) of this section that is not audited pursuant to the provisions of this section shall submit an unaudited annual statement of revenues, expenditures and fund balances to the director of the legislative services office, to the senate agricultural affairs committee and the house of representatives agricultural affairs committee, to the state controller and to the division of financial management.

(5) The right is reserved to the state of Idaho to audit the funds of the entities identified in this section at any time.

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, and retroactively to July 1, 2012.

Approved March 24, 2017

CHAPTER 131
(H.B. No. 140)

AN ACT

RELATING TO THE COMPREHENSIVE STATE WATER PLAN; AMENDING SECTION 42-1734B, IDAHO CODE, TO REVISE PROVISIONS REGARDING NOTICE BY THE BOARD TO LEGISLATIVE MEMBERS OF ADOPTED CHANGES TO THE PLAN.

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

SECTION 1. That Section 42-1734B, Idaho Code, be, and the same is hereby amended to read as follows:

42-1734B. BOARD PROCEDURES FOR ADOPTING A COMPREHENSIVE STATE WATER PLAN. (1) Prior to the adoption of the comprehensive state water plan or any component of the comprehensive plan, the board shall conduct hearings in the manner provided in section 42-1734A, Idaho Code.

(2) In the preparation, adoption, and implementation of the comprehensive state water plan, the board shall encourage the cooperation, participation, and assistance of state agencies. The board also shall solicit economic, energy, environmental, and other technical studies and recommendations from state agencies with particular expertise. All agencies of the state of Idaho shall cooperate with the board by providing requested existing information and studies pertaining in any manner to any matters which are the subject of this act. The board shall have discretion to balance all factors relevant to the formulation, adoption and implementation of the comprehensive state water plan and implementation and the designation of protected rivers.

(3) Any state agency may petition the board to amend the comprehensive state water plan. The board shall review any petition filed pursuant to this section within six (6) months after it is filed and shall either commence action to amend the comprehensive plan or set forth its reasons for denying the request in writing.

(4) All state agencies shall exercise their duties in a manner consistent with the comprehensive state water plan. These duties include but are not limited to the issuance of permits, licenses, and certifications; provided, however, that nothing in this chapter shall be construed to affect the authority of any state agency with respect to activities not prohibited by the comprehensive state water plan. The designation of a waterway as a

natural or recreation river shall not preclude the department of health and welfare from establishing water quality standards for such waterway.

(5) When a comprehensive state water plan is adopted, copies thereof shall be filed in the office of the governor and director of the department of water resources, and published and distributed generally.

(6) The comprehensive state water plan and any component thereof developed for a particular waterway or waterways is subject to review and amendment by the legislature of the state of Idaho by law at the regular session immediately following the board's adoption of the comprehensive state water plan or component thereof.

(7) The board shall submit all subsequent modifications changes to the legislature in the same manner as provided in this subsection section 7, article XV, of the constitution of the state of Idaho. The board shall also use best efforts to provide notice of all subsequent changes to each member of the legislature on or before the first day of the regular legislative session following the change.

(78) The board shall review and reevaluate Part A of the comprehensive state water plan, or any one (1) or more of the component water plans comprising Part B of the comprehensive state water plan, upon the adoption of a concurrent resolution of the legislature directing the review or requesting a specific amendment to the plan. The board also may undertake the review in response to a petition for amendment filed pursuant to subsection (3) of this section, or upon the board's own initiative, as determined necessary by the board. Amendments to Part A or Part B of the comprehensive state water plan shall be adopted in the same manner as the original plan.

(89) A protected river designated by the board shall not become a final part of the comprehensive state water plan until approved by law. If the legislature does not approve a protected river by law at the regular session immediately following the board's designation of such protected river, then the designation of such protected river shall terminate and any prohibition or terms and conditions imposed on such protected river pursuant to subsection (5) or (6) of section 42-1734A, Idaho Code, shall be terminated ten (10) days following the end of the session. The failure to approve a protected river shall not operate to invalidate a comprehensive plan or component thereof. Nothing in this subsection shall prevent the legislature, however, from approving such protected river and reinstating or modifying such prohibitions or terms and conditions in a subsequent session.

(910) After adoption of a comprehensive plan or component thereof, the board shall administer the implementation of the plan.

Approved March 24, 2017

CHAPTER 132
(H.B. No. 149)

AN ACT

RELATING TO ELECTIONS; AMENDING SECTION 34-1113, IDAHO CODE, TO PROVIDE ADDITIONAL FORMS OF PERSONAL IDENTIFICATION THAT MAY BE PRESENTED AT THE POLLS 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 34-1113, Idaho Code, be, and the same is hereby amended to read as follows:

34-1113. IDENTIFICATION AT THE POLLS. All voters shall be required to provide personal identification before voting at the polls or at absent electors polling places as required by section 34-1006, Idaho Code. The personal identification that may be presented shall be one (1) of the following:

(1) An Idaho driver's license or identification card issued by the Idaho transportation department;

(2) A passport or an identification card, including a photograph, issued by an agency of the United States government;

(3) A tribal identification card, including a photograph; or

(4) A current student identification card, including a photograph, issued by a high school or an accredited institution of higher education, including a university, college or technical school, located within the state of Idaho; or

(5) A license to carry concealed weapons issued under section 18-3302, Idaho Code, or an enhanced license to carry concealed weapons issued under section 18-3302K, 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 24, 2017

CHAPTER 133
(H.B. No. 152)

AN ACT

RELATING TO UNCLAIMED PROPERTY; AMENDING SECTION 14-542, IDAHO CODE, TO ESTABLISH AN EXEMPTION FOR NONPROFIT CORPORATIONS PROVIDING TELECOMMUNICATIONS SERVICE AND DELIVERY OF ELECTRIC POWER AND TO REMOVE CERTAIN REQUIREMENTS FOR SUCH ENTITIES.

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

SECTION 1. That Section 14-542, Idaho Code, be, and the same is hereby amended to read as follows:

14-542. EXEMPTION. (1) Counties holding The following shall be eligible for a certificate of exemption from the administrator. Entities holding a certificate of exemption shall not be subject to the provisions of this chapter, except as set forth in this section:

(a) Idaho counties; and

(b) Solely for the purpose of unclaimed capital credits, nonprofit corporations engaged in providing telecommunications service or delivery of electric power. For the purposes of this section, a capital credit is an amount paid by a member for telecommunication or electric service in excess of the costs and expenses incurred by a nonprofit corporation in furnishing the service that is credited to the member's capital account by the nonprofit corporation and distributed to the member.

(2) A certificate of exemption shall be provided to a county an eligible entity on the following basis:

(a) The county commissioners or board of such county directors, as applicable, file an election in writing with the administrator; and

(b) The county assumes the responsibilities of the administrator under this chapter to locate unclaimed property in county hands, and refund the same to its rightful owner, according to the provisions of this chapter; and

(c) The county entity establishes a revolving fund to pay claimants, and retains in said fund, an amount equal to twenty-five percent (25%) of the accumulated unclaimed property or twenty thousand dollars (\$20,000), whichever is less. Excess money in the revolving fund may be transferred to the county current expense fund any fund of the entity; provided however, that a transfer of funds shall not alter or extinguish an owner's right to claim the property; and

(dc) The county entity provides the administrator with the information required in the reports of abandoned property, to enable the administrator to maintain a complete central registry of all unclaimed property in the state.

(3) In the event of revocation of the election or the administrator determines that the county entity has not complied with the requirements or exemption, the county's exemption shall terminate and, the county entity shall transfer all unclaimed property and unclaimed property records to the administrator and the entity shall be subject to the provisions of this chapter.

~~(2) A nonprofit corporation engaged in providing telecommunications service or the transmission, distribution or delivery of electric power shall not be subject to the provisions of this chapter relative to the distribution (retirement) of capital credits to members of such nonprofit corporation after July 1, 1982. For the purposes of this section, a capital credit is defined as an amount paid by a member for telecommunication or electric service in excess of the costs and expenses incurred by a nonprofit corporation in furnishing the service which is credited to the member's capital account by the nonprofit corporation. For capital credits distributed by the board of directors of such a nonprofit corporation that are not claimed by their member-owners, the nonprofit corporation distributing capital credits shall assume the responsibilities of the administrator under this chapter relative to notice, publication of unclaimed property lists, and refunds to rightful member-owners. Such nonprofit corporations who distribute capital credits shall establish a revolving fund to pay member-owners such capital credits and shall at all times maintain in said fund an amount equal to twenty-five percent (25%) of the accumulated capital credits presumed abandoned by the board of directors of said nonprofit corporations or twenty thousand dollars (\$20,000), whichever is less. Moneys in said fund in excess of the amount required to be maintained shall be transferred to the general account of said nonprofit corporations to be used for any purpose for which said corporation is incorporated.~~

CHAPTER 134
(H.B. No. 156)

AN ACT

RELATING TO PARK MODEL RECREATIONAL VEHICLES; AMENDING SECTION 39-4201, IDAHO CODE, TO REVISE DEFINITIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 39-4202, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE PROHIBITION OF THE SALE OF CERTAIN RECREATIONAL VEHICLES AND PARK MODEL RECREATIONAL VEHICLES; AMENDING SECTION 39-4203, IDAHO CODE, TO REVISE PROVISIONS REGARDING EXEMPTIONS FROM LOCAL ORDINANCES AND REGULATIONS; AMENDING SECTION 49-117, IDAHO CODE, TO REVISE A DEFINITION; AMENDING SECTION 49-119, IDAHO CODE, TO REVISE A DEFINITION; AMENDING SECTION 49-121, IDAHO CODE, TO REMOVE THE DEFINITION OF "PARK TRAILER"; AMENDING SECTION 49-445, IDAHO CODE, TO PROVIDE FOR TITLING, LICENSING AND REGISTRATION OF CERTAIN RECREATIONAL VEHICLES; AMENDING SECTION 49-448, IDAHO CODE, TO PROVIDE FOR THE DISPOSITION OF ANNUAL LICENSE FEES FOR PARK MODEL RECREATIONAL VEHICLE REGISTRATION; AMENDING SECTION 49-501, IDAHO CODE, TO PROVIDE TITLING REQUIREMENTS FOR CERTAIN PARK MODEL RECREATIONAL VEHICLES; AMENDING SECTION 55-2003, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 55-2004, IDAHO CODE, TO REVISE A TERM; AMENDING SECTION 55-2007, IDAHO CODE, TO PROVIDE THAT CERTAIN BASE REQUIREMENTS FOR MOBILE AND MANUFACTURED HOMES SHALL BE AN IMPLICIT PART OF ANY RENTAL AGREEMENT BETWEEN A LANDLORD AND RESIDENT, TO MAKE A CODIFIER'S CORRECTION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 3, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-318, IDAHO CODE, TO PROVIDE THAT PARK MODEL RECREATIONAL VEHICLES SHALL CONSTITUTE PERSONAL PROPERTY; AMENDING CHAPTER 36, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3606C, IDAHO CODE, TO DEFINE A TERM AND TO PROVIDE THAT CERTAIN DESIGNATED ITEMS NOT INCORPORATED AS COMPONENT PARTS OF A PARK MODEL RECREATIONAL VEHICLE AT THE TIME OF MANUFACTURE SHALL BE SUBJECT TO SALES AND USE TAX SEPARATELY FROM THE SALES PRICE OF THE VEHICLE AND THAT OTHER DESIGNATED ITEMS SHALL BE DEEMED TO BE COMPONENTS INCORPORATED INTO THE VEHICLE; AMENDING SECTION 63-3613, IDAHO CODE, TO REVISE PROVISIONS REGARDING WHAT THE TERM "SALES PRICE" DOES NOT INCLUDE AND TO PROVIDE THAT THE SALES PRICE OF A NEW PARK MODEL RECREATIONAL VEHICLE SHALL INCLUDE ONE HUNDRED PERCENT OF THE SALES PRICE AS DEFINED BY SPECIFIED LAW; AND AMENDING SECTION 63-3622HH, IDAHO CODE, TO REVISE DEFINITIONS AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 39-4201, Idaho Code, be, and the same is hereby amended to read as follows:

39-4201. DEFINITIONS. As used in this chapter:

(1) "~~Park trailer model recreational vehicle~~" means a ~~park trailer as defined in the American National Standards Institute (ANSI) A119.5 Standard for Park Trailers vehicle as defined in section 49-117, Idaho Code.~~

(2) "Recreational vehicle" means a vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The entities are: travel trailer, camping trailer, truck camper, fifth-wheel trailer, park model recreational vehicle and motor home.

(a) "Camping trailer" means a vehicular portable unit mounted on wheels and constructed with collapsible partial side walls which fold for tow-

ing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping or travel use.

(b) "Fifth-wheel trailer" means a vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use, of such size or weight as not to require special highway movement permit(s), of gross trailer area not to exceed four hundred (400) square feet in the set-up mode, and designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle's rear axle.

(c) "Motor home" means a vehicular unit designed to provide temporary living quarters for recreational, camping or travel use built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van which is an integral part of the completed vehicle.

(d) "Travel trailer" means a vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use, of such size or weight as not to require special highway movement permits when towed by a motorized vehicle, and of gross trailer area less than three hundred twenty (320) square feet.

(e) "Truck camper" means a portable unit constructed to provide temporary living quarters for recreational, camping or travel use, consisting of a roof, floor and sides, designed to be loaded onto and unloaded from the bed of a pickup truck.

SECTION 2. That Section 39-4202, Idaho Code, be, and the same is hereby amended to read as follows:

39-4202. COMPLIANCE. No manufacturer shall sell or offer for sale within this state:

(1) Any new recreational vehicle that is not manufactured in compliance with the ~~American National Standards Institute (ANSI) National Fire Protection Association (NFPA) 1192 Standard A119.2 for Recreational Vehicles;~~ or

(2) Any new park trailer ~~model recreational vehicle~~ that is not manufactured in compliance with the American National Standards Institute (ANSI) A119.5 Standards for Recreational Park Trailers.

SECTION 3. That Section 39-4203, Idaho Code, be, and the same is hereby amended to read as follows:

39-4203. EXEMPTION FROM LOCAL ORDINANCES OR REGULATIONS. No recreational vehicle ~~which that~~ meets the ANSI A119.2 National Fire Protection Association (NFPA) 1192 Standard for Recreational Vehicles ~~or and no park trailers which model recreational vehicle that~~ meets the ANSI A119.5 Standard for Recreational Park Trailers shall be required to comply with any local ordinances or regulations adopting standards relating to plumbing, heat producing and electrical systems in recreational vehicles or park trailers model recreational vehicles.

SECTION 4. That Section 49-117, Idaho Code, be, and the same is hereby amended to read as follows:

49-117. DEFINITIONS -- P. (1) "Park" or "parking" means the standing of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.

(2) "~~Park trailer.~~" (See "~~Trailer,~~" section 49-121, Idaho Code) model recreational vehicle" means a recreational vehicle that is designed to provide temporary accommodations for recreational, camping or seasonal use, is built on a single chassis, was originally mounted on wheels, has a gross trailer area not exceeding four hundred (400) square feet in the set-up mode

and is certified by its manufacturer as complying with the American National Standards Institute (ANSI) A119.5 Standard for Recreational Park Trailers, and includes park models, park trailers and recreational park trailers.

(3) "Part-time salesman" means any person employed as a vehicle salesman on behalf of a dealer less than thirty (30) hours per week.

(4) "Peace officer." (See section 19-5101(d), Idaho Code)

(5) "Pedestrian" means any person afoot and any person operating a wheelchair or a motorized wheelchair or an electric personal assistive mobility device.

(6) "Pedestrian path" means any path, sidewalk or way set-aside and used exclusively by pedestrians.

(7) (a) "Person" means every natural person, firm, fiduciary, copartnership, association, corporation, trustee, receiver or assignee for the benefit of creditors, political subdivision, state or federal governmental department, agency, or instrumentality, and for the purposes of chapter 22 of this title shall include a private, common or contract carrier operating a vehicle on any highway of this state.

(b) "Person with a disability" means:

(i) A person who is unable to walk two hundred (200) feet or more unassisted by another person;

(ii) A person who is unable to walk two hundred (200) feet or more without the aid of a walker, cane, crutches, braces, prosthetic device or a wheelchair; or

(iii) A person who is unable to walk two hundred (200) feet or more without great difficulty or discomfort due to the following impairments: neurological, orthopedic, respiratory, cardiac, arthritic disorder, blindness, or the loss of function or absence of a limb.

(iv) For the purposes of chapters 3 and 4 of this title, a person with a permanent disability is one whose physician certifies that the person qualifies as a person with a disability pursuant to this subsection (7) (b), and further certifies that there is no expectation for a fundamental or marked change in the person's condition at any time in the future.

(8) "Personal information" means information that identifies an individual, including an individual's photograph or computerized image, social security number, driver identification number, name, address, telephone number, and medical or disability information, but does not include information on vehicular accidents, driving or equipment-related violations, the five-digit zip code of the person's address, or status of the driver's license or motor vehicle registration.

(9) "Pneumatic tire." (See "Tires," section 49-121, Idaho Code)

(10) "Pole trailer." (See "Trailer," section 49-121, Idaho Code)

(11) "Possessory lien" means a lien dependent upon possession for compensation to which a person is legally entitled for making repairs or performing labor upon, and furnishing supplies or materials for, and for the towing, storage, repair, or safekeeping of, any vehicle of a type subject to registration.

(12) "Possessory lienholder" means any person claiming a lien, that lien claimed to have accrued on a basis of services rendered to the vehicle which is the subject of the lien.

(13) "Preceding year" means, for the purposes of section 49-435, Idaho Code, a period of twelve (12) consecutive months fixed by the department, prior to July 1 of the year immediately preceding the commencement of the registration or license year for which proportional registration is sought. The department in fixing the period shall make it conform to the terms, conditions and requirements of any applicable agreement or arrangement for the proportional registration of vehicles.

(14) "Pressure regulator valve" means a device or system which governs the load distribution and controls the weight borne by a variable load suspension axle in accordance with a predetermined valve setting.

(15) "Principal place of business" means an enclosed commercial structure located within the state, easily accessible and open to the public at all reasonable times, with an improved display area large enough to display five (5) or more vehicles of the type the dealer is licensed to sell, immediately adjoining the building, and at which the business of a dealership, including the display and repair of vehicles, may be lawfully carried on in accordance with the terms of all applicable building codes, zoning and other land-use regulatory ordinances, and in which building the public shall be able to contact the dealer or his salesmen in person or by telephone at all reasonable times. The books, records and files necessary to conduct the business of the dealership must be kept or reproduced electronically at the dealership's licensed location(s). A dealership keeping its physical books, records and files at an off-site location must notify the department in writing of such location at least thirty (30) days in advance of moving such books, records and files off-site. Physical books, records and files must be made available to the department upon request within three (3) business days of such request. The principal place of business shall display an exterior sign permanently affixed to the land or building, with letters clearly visible to the major avenue of traffic. In no event shall a room or rooms in a hotel, rooming house, or apartment house building or a part of any single or multiple unit dwelling house be considered a "principal place of business" within the terms and provisions of this title unless the entire ground floor of that hotel, apartment house, or rooming house building or dwelling house be devoted principally to and occupied for commercial purposes, and the office or offices of the dealer be located on the ground floor.

(16) "Private property open to the public" means real property not owned by the federal government or the state of Idaho or any of its political subdivisions, but is available for vehicular traffic or parking by the general public with the permission of the owner or agent of the real property.

(17) "Private road" means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

(18) "Proof of financial responsibility" means proof of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of the proof, arising out of the ownership, maintenance or use of a motor vehicle, in the amount of twenty-five thousand dollars (\$25,000) because of bodily injury to or death of one (1) person in any one (1) accident, and, subject to the limit for one (1) person, in the amount of fifty thousand dollars (\$50,000) because of bodily injury to or death of two (2) or more persons in any one (1) accident, and in the amount of fifteen thousand dollars (\$15,000) because of injury to or destruction of property of others in any one (1) accident.

(19) "Proper authority" means a public highway agency.

(20) "Public highway agency" means the state transportation department, any city, county, highway district or any other state agency which has jurisdiction over public highway systems and public rights-of-way.

(21) "Public right-of-way" means a right-of-way open to the public and under the jurisdiction of a public highway agency, where the public highway agency has no obligation to construct or maintain said right-of-way for vehicular traffic.

(22) "Public road jurisdiction" means a public highway agency.

(23) "Purchase." (See "Sell," "sold," and "buy," section 49-120, Idaho Code)

SECTION 5. 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 human ~~habitation for~~ recreational or emergency occupancy. It does not include pick-up 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) 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. 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 6. That Section 49-121, Idaho Code, be, and the same is hereby amended to read as follows:

49-121. DEFINITIONS -- T. (1) "Temporary supplemental lot" means a location other than the principal place of business, or supplemental lot within the same or adjacent county as the principal place of business, where a licensed dealer may secure a license to conduct the business and is licensed for a period of time not to exceed ten (10) days for a specific purpose such as auto shows, auctions, shopping center promotions, tent sales, etc. Temporary supplemental lots shall meet all local zoning and building codes for the type of business being conducted. The requirements for a principal place of business shall not be applicable to temporary supplemental lot locations. The adjacent county restriction shall not apply if the dealer holds the franchise for the products to be displayed or sold and has approval from a manufacturer for the location where the proposed temporary supplemental lot license will be issued by the department. Nonfranchised dealers shall be permitted to temporarily display or sell their products within a one hundred seventy-five (175) mile radius of their principal place of business, upon approval by the department.

(2) "Tires" means:

(a) Metal. Every tire the surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material.

(b) Pneumatic. Every tire in which compressed air is designed to support the load.

(c) Snow tire. Every rubber tire with tread design or material embedded in the tire to improve winter traction except studded tires.

(d) Solid rubber. Every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.

(e) Studded tire. Every tire with built-in lugs of tungsten carbide or other suitable material designed to contact the road surface for improved winter traction.

(3) "Traffic" means pedestrians, ridden or herded animals, vehicles, streetcars and other conveyances either singly or together while using any highway for purposes of travel.

(4) "Traffic lane" or "lane of travel" means that portion of the roadway for movement of a single line of vehicles.

(5) "Traffic-control device" means any device, whether manually, electrically or mechanically operated, placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

(6) "Trailer" means:

(a) General. Every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle.

(b) Fifth-wheel trailer. A vehicular unit equipped in the same manner as a travel trailer but constructed with a raised forward section that allows a bi-level floor plan. This style is designed to be towed by a vehicle equipped with a device known as a fifth-wheel hitch, which is typically installed in the bed of a pickup truck.

(c) Fold down camping trailer. A vehicular portable unit mounted on wheels and constructed with collapsible partial side walls, which fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters, for recreational, camping or travel use.

~~(d) Park trailer. A trailer designed to be towed by a motorized vehicle, and of such size and weight as not to require a special highway movement permit. It is designed for seasonal or temporary living quarters and may be connected to utilities necessary for operation of installed fixtures and appliances. It is built on a single permanent chassis and constructed to permit set up by persons without special skills.~~

~~(e) Pole trailer. Every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.~~

~~(fe) Semitrailer. Every vehicle without motive power, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by the towing vehicle.~~

~~(gf) Travel trailer. A vehicular unit, mounted on wheels designed to provide temporary living quarters for recreational, camping, travel or emergency use and of such size or weight as not to require special highway movement permits when towed by a motorized vehicle.~~

~~(hg) Utility trailer. (See "Utility trailer," section 49-122, Idaho Code)~~

(7) "Transitional ownership document" means a document used to perfect a lien against creditors or subsequent purchasers when the primary ownership document is not available and the selling dealer, new security interest holder or their agent, to the best of their knowledge, will not have possession of the primary ownership document, within thirty (30) days of the sale, or if no sale is involved, the date the contract or security agreement being perfected was signed, and contains all of the following:

(a) The date of sale or if no sale is involved, the date the contract or security agreement being perfected was signed;

(b) The name and address of each owner of the vehicle;

(c) The name and address of each security interest holder;

(d) If there are multiple security interest holders, the priorities of interest if the security interest holders do not jointly hold a single security interest;

(e) The vehicle identification number;

(f) The name of the security interest holder or person who submits the transitional ownership document for the security interest holder; and

(g) Any other information the department may require for its records.

(8) "Transportation," for the purposes of chapter 22, title 49, Idaho Code, means the movement of any regulated quantity of hazardous material or hazardous waste within, through, or to any destination in this state upon the highways of this state.

(9) "Transporter" means every person engaged in the business of delivering vehicles of a type required to be registered from a manufacturing, assembling or distributing plant to dealers or sales agents of a manufacturer, except in chapter 22, title 49, Idaho Code, where it means any person who transports a hazardous material or hazardous waste within, through, or to any destination upon the highways of this state.

(10) "Truck" means:

(a) Refuse/sanitation. Any vehicle designed and used solely for the purpose of transporting refuse.

(b) General. Every motor vehicle exceeding eight thousand (8,000) pounds gross weight designed, used or maintained primarily for the transportation of property.

(c) Pickup truck. Every motor vehicle eight thousand (8,000) pounds gross weight or less which is designed, used or maintained primarily for the transportation of property.

(d) Truck camper. A portable unit constructed to provide temporary living quarters for recreational, travel or camping use, consisting of a roof, floor, and sides, designed to be loaded onto and unloaded from the bed of a pickup truck, and containing at least one (1) of the following facilities: stove; refrigerator or icebox; self-contained toilet; heater or air conditioner; potable water supply including a faucet and sink; separate 110-125 volt electrical power supply; or LP-gas supply. Truck campers originally constructed with an overall length of six (6) feet or longer shall be titled as provided in chapter 5 of this title 49. A truck camper does not include pickup hoods, shells or canopies.

(e) Truck tractor. Every motor vehicle designed and used primarily for drawing other vehicles but not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

(11) "True mileage driven" means the mileage of the vehicle as registered by the odometer within the manufacturer's designed tolerance.

SECTION 7. That Section 49-445, Idaho Code, be, and the same is hereby amended to read as follows:

49-445. RECREATIONAL VEHICLE ANNUAL LICENSE. (1) There is levied and there shall be collected an annual license fee on each recreational vehicle in Idaho, except recreational vehicles in possession of a manufacturer or dealer and offered for sale or resale. If the recreational vehicle is registered as a motor vehicle under the provisions of this chapter, the annual license fee imposed in this section shall be in addition to and not in lieu of the motor vehicle registration fees. Initial license fees for recreational vehicles shall be prorated on a monthly basis for a new owner. Subsequent renewals of the annual license shall require annual fees regardless of the registration date.

(2) The annual license fee imposed upon each recreational vehicle shall be eight dollars and fifty cents (\$8.50) for a market value of one thousand dollars (\$1,000) or less, and an additional five dollars (\$5.00) for each additional one thousand dollars (\$1,000) or portion of it, of market value.

(3) Payment of the annual license fee shall license the recreational vehicle for a calendar year, irrespective of the month in which it is registered, change of ownership of the vehicle, or change of county of residence of the owner. The recreational vehicle annual license shall expire midnight December 31 of each year.

(4) The license sticker shall be placed on the rear of the recreational vehicle in a manner that is completely visible and shall be kept in a legible condition at all times.

(5) A recreational vehicle that conformed with the definition of a park model recreational vehicle in section 49-117, Idaho Code, when new, may be:

(a) Titled under the provisions of chapter 5, title 49, Idaho Code; and

(b) Licensed and registered under the provisions of this chapter unless it:

(i) Is permanently attached to a foundation;

(ii) Has an attached building addition; or

(iii) Has been substantially modified in such a way that it no longer meets the definition of a park model recreational vehicle in section 49-117, Idaho Code.

SECTION 8. That Section 49-448, Idaho Code, be, and the same is hereby amended to read as follows:

49-448. DISPOSITION OF FEES. Except as provided in subsection (3) of this section, tThe revenues received from the annual license fees imposed by section 49-445, Idaho Code, for recreational vehicle registration shall be paid over monthly to the county treasurer, to be distributed as follows:

(1) Two dollars (\$2.00) from each recreational vehicle license sold shall be apportioned to the county current expense fund, which shall be deemed necessary costs of collection and administration;

(2) From the balance remaining, ninety-nine percent (99%) shall be transmitted to the state treasurer for deposit in a fund known as the "state recreational vehicle fund," which is established in the state treasury, and one percent (1%) shall be distributed to the search and rescue fund created in section 67-2913, Idaho Code;

(3) One hundred percent (100%) of the revenues received from the annual license fees for the registration of each park model recreational vehicle of such size and weight as to require a special highway movement permit shall be apportioned to the county current expense fund where the park model recreational vehicle is located.

SECTION 9. That Section 49-501, Idaho Code, be, and the same is hereby amended to read as follows:

49-501. TITLING REQUIREMENTS -- EXEMPTIONS. (1) The provisions of this chapter shall apply to every vehicle required to be registered with the department in chapter 4, title 49, Idaho Code.

(2) In addition, the titling requirements of this chapter shall apply to the following vehicles which are not required to be registered under the provisions of chapter 4, title 49, Idaho Code:

(a) All-terrain vehicles, motorbikes, snowmobiles and utility type vehicles as defined in section 67-7101, Idaho Code, except that such vehicles having an internal combustion engine with a displacement of less than fifty (50) cubic centimeters will not be titled;

(b) Manufactured homes as defined in section 39-4105, Idaho Code; and

(c) Recreational vehicles that conformed with the definition of a park model recreational vehicle in section 49-117, Idaho Code, when new, that are not registered; and

(d) Truck campers as defined in section 49-121, Idaho Code, that were originally constructed with an overall length of six (6) feet or longer.

Titling is optional for truck campers acquired before January 1, 2009. Liens and encumbrances on truck campers that were filed with the office of the secretary of state in compliance with chapter 9, title 28, Idaho Code, prior to January 1, 2009, shall be in full force and effect until said lien or encumbrance is satisfied and released by the lienholder who perfected the original lien or encumbrance.

(3) Certain vehicles which are required to be registered under the provisions of chapter 4, title 49, Idaho Code, shall be exempt from the titling requirements of this chapter as follows:

(a) Utility trailers whose unladen weight is less than two thousand (2,000) pounds; and

(b) The board may, by rule, exempt vehicles and motor vehicles registered under the provisions of sections 49-434 and 49-435, Idaho Code, from the titling requirements of this chapter.

(4) Vehicles exempt from registration under the provisions of section 49-426, Idaho Code, are exempt from the titling requirements of this chapter, unless otherwise specifically required by the provisions of subsection (2) of this section.

SECTION 10. That Section 55-2003, Idaho Code, be, and the same is hereby amended to read as follows:

55-2003. DEFINITIONS. For purposes of this chapter, unless the provisions or context otherwise requires, the following definitions shall govern:

(1) "Abandoned home" means a home that:

(a) Is located in a community on a lot for which no rent has been paid for the preceding sixty (60) days; and

(b) The landlord reasonably believes under all the circumstances, by absence, words or actions, that the resident has left the home upon the lot with no intention of asserting any further claim to the lot or the home; or

(c) Is unoccupied or uninhabitable because of its total or partial destruction.

(2) "Community" means any real property that is rented or held out for rent to others for the placement of two (2) or more homes for the primary purpose of production of income.

(3) "Department" means the Idaho department of transportation.

(4) "Fees" means financial obligations incidental to a resident's tenancy including, but not limited to, charges for late payments, pets, the storage of recreational vehicles and the use of community facilities.

(5) "Home" means a mobile home, a manufactured home or, for purposes of this chapter only, a park model recreational vehicle.

(6) "Landlord" means the owner, lessor, sublessor or operator, or any combination thereof, of a community and includes the agents of the landlord.

(7) "Lot" means a specific area or portion of land in a community for rent, designated and designed to accommodate one (1) home and its appurtenances and intended for the exclusive use as a residence by the approved occupants of that home.

(8) "Manager" means the person in charge of operations or in control of a community, whether or not he or she is the owner. "Manager" includes any company chosen by the landlord to administer or supervise the affairs of the community.

(9) "Manufactured home" or "manufactured house" means a structure as defined in subsection (8) of section 39-4105, Idaho Code.

(10) "Mobile home" means a structure as defined in subsection (9) of section 39-4105, Idaho Code.

(11) ~~"Park model" means a vehicular type unit that has a floor area of four hundred (400) square feet or less, meets the American national stan-~~

~~dards institute (ANSI) recreational standard A119.5, is primarily designed for permanent or semipermanent installation and is used as a residence.~~

(12) "Other charges" means fees, service charges, utility charges or any other financial obligations specified in the rental agreement, but not including rent.

(12) "Park model recreational vehicle" means a vehicle as defined in section 49-117, Idaho Code.

(13) "Recreational vehicle" means a vehicular type unit as defined in subsection (2) of section 39-4201, Idaho Code.

(14) "Rent" means periodic payments to be made in consideration for occupying a lot.

(15) "Rental agreement" means a lease or agreement between the landlord and the resident embodying the terms and conditions concerning the use and occupancy of a lot and includes month to month tenancies that arise out of the expiration of a fixed term rental agreement.

(16) "Resident" means a person lawfully entitled under a rental agreement or lease to occupy a lot in a community to the exclusion of others. "Resident" also means a tenant as that term is defined and used in other applicable state and federal laws.

(17) "Security" or "security deposit" means any refundable money or property given to assure payment or performance under a rental agreement.

(18) "Service charges" means separate charges paid for the use of electrical and gas service improvements that exist at a lot, or for trash removal, sewage and water, or any combination of the foregoing.

(19) "Transient" means a person who rents a lot for a period of less than one (1) month.

(20) "Utility" means a public utility that provides electricity, natural gas, liquefied petroleum gas, cable television, sewer services, garbage collection or water.

SECTION 11. That Section 55-2004, Idaho Code, be, and the same is hereby amended to read as follows:

55-2004. CHAPTER GOVERNS. This chapter shall regulate and determine legal rights, remedies and obligations arising from any rental agreement between a landlord and a resident regarding a lot, except in those instances in which: (i) the landlord is renting both the lot and the home to the resident; or (ii) the lot is rented or held out for rent to a recreational vehicle or travel trailer, not including a park model recreational vehicle. All such rental agreements shall be unenforceable to the extent of any conflict with any provision of this chapter. This chapter does not abrogate any rights the landlord or resident has under the laws and constitution of the United States or the state of Idaho.

SECTION 12. That Section 55-2007, Idaho Code, be, and the same is hereby amended to read as follows:

55-2007. REQUIRED RENTAL AGREEMENT PROVISIONS AND EXCLUSIONS -- DISCLOSURES. (1) Any rental agreement executed between the landlord and resident shall contain:

(a) The terms for the payment of rent, including the time and place for payment, and a description of any other charges to be paid to the landlord by the resident. Other charges that occur less frequently than monthly shall be itemized in a billing to the resident;

(b) A description of the utilities and services which are included in the monthly rent;

(c) The rules of the community;

(d) The names and addresses of the manager of the community and the owner of the community or a person who resides in the state who is authorized to act as agent for the owner; and

(e) The terms and conditions under which any deposit or portion thereof may be withheld by the landlord upon termination of the rental agreement if any moneys are paid to the landlord by the resident as a deposit or as security for performance of the resident's obligations in a rental agreement.

(2) Any rental agreement executed between the landlord and resident shall not contain:

(a) Any provision by which the resident agrees to waive or ~~forego~~ forgo rights or remedies under this chapter; ~~or~~

(b) Any provision allowing the landlord to charge an "entrance fee" or an "exit fee." The expense of repairs or maintenance required by the landlord as a condition of the landlord's approval of a rental application shall not constitute an "entrance fee" or "exit fee" as those terms are used herein-; or

(c) Any provision which unreasonably restricts access to the community by invitees of the resident.

(3) The following terms and conditions shall be an implicit part of any rental agreement between the landlord and resident:

(a) The landlord shall provide a base upon which the home is to be located- and, in the case of a mobile or manufactured home, the base shall be prepared in accordance with the provisions of section 44-2201, Idaho Code.

(b) The landlord shall, prior to removal of the wheels and axles, approve the positioning of the home upon the lot.

(c) The landlord shall not permit any portion of the home, including the tongue, to extend into a roadway.

(d) The landlord shall maintain street lights, entry lights and common area lighting, if any, in good working condition.

(e) The landlord shall have the right of entry upon the lot for maintenance of utilities, protection of the community and periodic inspection of the premises, but shall not, except in the case of emergency or suspected abandonment by the resident, otherwise have the right of entry to such lot without the consent of the resident.

(f) The landlord shall notify each resident within fifteen (15) days after a petition has been filed by the landlord for a change in the zoning of the land upon which the community is situated.

(4) Upon request, the landlord shall, prior to the execution of a rental agreement, provide the resident with a written statement containing the following information:

(a) The name, address and telephone number of the owner or manager of the community.

(b) A general description of the types of homes which may be brought into the community.

(c) A general description of the boundaries of the lot to be provided.

(d) A description of the utilities and services which are included in the rent.

(e) A description of other utilities and services which are available within the community.

(f) A description of the zoning under which the community operates, and the governmental entity having zoning jurisdiction.

(g) The date and amount of the most recent rent increase.

SECTION 13. That Chapter 3, Title 63, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 63-318, Idaho Code, and to read as follows:

63-318. PARK MODEL RECREATIONAL VEHICLE TO CONSTITUTE PERSONAL PROPERTY. A park model recreational vehicle shall constitute personal property if not registered under the provisions of chapter 4, title 49, Idaho Code. Park model recreational vehicles shall not constitute real property. As used in this section, "park model recreational vehicle" has the same meaning as set forth in section 63-3622HH, Idaho Code.

SECTION 14. That Chapter 36, Title 63, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 63-3606C, Idaho Code, and to read as follows:

63-3606C. NEW PARK MODEL RECREATIONAL VEHICLE. (1) The term "new park model recreational vehicle" means a park model recreational vehicle as defined in section 49-117, Idaho Code, that is sold for the first time at retail. The term "new park model recreational vehicle" includes all components incorporated in such park model recreational vehicle at the time of manufacture and remaining unchanged at the time of the original retail sale thereof.

(2) Furniture, fixtures, furnishings, appliances and attachments not incorporated as component parts of the park model recreational vehicle at the time of manufacture shall be subject to the sales and use tax separately and distinctly from the sales price of the new park model recreational vehicle. Refrigerators, ranges, draperies and wood-burning stoves placed in a new park model recreational vehicle by the manufacturer shall be deemed to be components incorporated into such park model recreational vehicle.

SECTION 15. That Section 63-3613, Idaho Code, be, and the same is hereby amended to read as follows:

63-3613. SALES PRICE. (a) The term "sales price" means the total amount for which tangible personal property, including services agreed to be rendered as a part of the sale, is sold, rented or leased, valued in money, whether paid in money or otherwise, without any deduction on account of any of the following:

1. The cost of the property sold. However, in accordance with such rules as the state tax commission may prescribe, a deduction may be taken if the retailer has purchased property for some purpose other than resale or rental, has reimbursed his vendor for tax which the vendor is required to pay to the state or has paid the use tax with respect to the property, and has resold or rented the property prior to making any use of the property other than retention, demonstration or display while holding it for sale in the regular course of business. If such a deduction is taken by the retailer, no refund or credit will be allowed to his vendor with respect to the sale of the property.
2. The cost of materials used, labor or service cost, losses, or any other expense.
3. The cost of transportation of the property prior to its sale.
4. The face value of manufacturer's discount coupons. A manufacturer's discount coupon is a price reduction coupon presented by a consumer to a retailer upon purchase of a manufacturer's product, the face value of which may only be reimbursed by the manufacturer to the retailer.

(b) The term "sales price" does not include any of the following:

1. Retailer discounts allowed and taken on sales, but only to the extent that such retailer discounts represent price adjustments as opposed to cash discounts offered only as an inducement for prompt payment.
2. Any sums allowed on merchandise accepted in payment of other merchandise, provided that this allowance shall not apply to the sale of a "new manufactured home," a "new park model recreational vehicle" or a "modular building" as defined herein.

3. The amount charged for property returned by customers when the amount charged therefor is refunded either in cash or credit; but this exclusion shall not apply in any instance when the customer, in order to obtain the refund, is required to purchase other property at a price greater than the amount charged for the property that is returned.

4. The amount charged for labor or services rendered in installing or applying the property sold, provided that said amount is stated separately and such separate statement is not used as a means of avoiding imposition of this tax upon the actual sales price of the tangible personal property; except that charges by a manufactured homes dealer or park model recreational vehicle dealer for set up of a manufactured home or park model recreational vehicle shall be included in the "sales price" of such manufactured home or park model recreational vehicle.

5. The amount of any tax (not including, however, any manufacturers' or importers' excise tax) imposed by the United States upon or with respect to retail sales whether imposed upon the retailer or the consumer.

6. The amount charged for finance charges, carrying charges, service charges, time-price differential, or interest on deferred payment sales, provided such charges are not used as a means of avoiding imposition of this tax upon the actual sales price of the tangible personal property.

7. Delivery and handling charges for transportation of tangible personal property to the consumer, provided that the transportation is stated separately and the separate statement is not used as a means of avoiding imposition of the tax upon the actual sales price of the tangible personal property; except that charges by a manufactured homes dealer or park model recreational vehicle dealer for transportation of a manufactured home or park model recreational vehicle shall be included in the "sales price" of such manufactured home or park model recreational vehicle.

8. Manufacturers' rebates when used at the time of a retail sale as a down payment on or reduction to the retail sales price of a motor vehicle to which the rebate applies. A manufacturer's rebate is a cash payment made by a manufacturer to a consumer who has purchased or is purchasing the manufacturer's product from the retailer.

9. The amount of any fee imposed upon an outfitter as defined in section 36-2102, Idaho Code, by a governmental entity pursuant to statute for the purpose of conducting outfitting activities on land or water subject to the jurisdiction of the governmental entity, provided that the fee is stated separately and is presented as a use fee paid by the outfitted public to be passed through to the governmental entity.

10. The amount of any discount or other price reduction on telecommunications equipment when offered as an inducement to the consumer to commence or continue telecommunications service, or the amount of any commission or other indirect compensation received by a retailer or seller as a result of the consumer commencing or continuing telecommunications service.

(c) The sales price of a "new manufactured home" or a "modular building" as defined in this chapter shall be limited to and include only fifty-five percent (55%) of the sales price as otherwise defined herein.

(d) Taxes previously paid on amounts represented by accounts found to be worthless may be credited upon a subsequent payment of the tax provided in this chapter or, if no such tax is due, refunded. If such accounts are thereafter collected, a tax shall be paid upon the amount so collected.

(e) Tangible personal property when sold at retail for more than eleven cents (11¢) but less than one dollar and one cent (\$1.01) through a vending machine shall be deemed to have sold at a sales price equal to one hundred seventeen percent (117%) of the price which is paid for such tangible per-

sonal property and/or its component parts including packaging by the owner or operator of the vending machines.

(f) Sales price shall not include a gratuity or tip received when paid to the service provider of a meal. The gratuity or tip can be either voluntary or mandatory, but must be given for the service provided and as a supplement to the service provider's income.

(g) The sales price of a "new park model recreational vehicle" shall include one hundred percent (100%) of the sales price as otherwise defined in this section.

SECTION 16. That Section 63-3622HH, Idaho Code, be, and the same is hereby amended to read as follows:

63-3622HH. PRODUCTION EXEMPTION SHALL NOT APPLY TO SALES REGARDING RECREATION-RELATED VEHICLES. (1) Notwithstanding any other provision of law to the contrary, the production exemption provided in section 63-3622D, Idaho Code, shall not apply to sales of or repairs to snowmobiles, off-highway motorbikes, recreational vehicles, or motorcycles and all sales of snowmobiles, off-highway motorbikes, recreational vehicles or motorcycles are subject to the sales and use taxes imposed by this chapter. All repairs to snowmobiles, off-highway motorbikes, recreational vehicles or motorcycles are subject to the sales and use taxes imposed by this chapter.

(2) As used in this section, the term "snowmobile" means any self-propelled vehicle under one thousand (1,000) pounds unladen gross weight designed primarily for travel on snow or ice or over natural terrain which may be steered by tracks, skis or runners, and which is not otherwise registered or licensed under the laws of the state of Idaho.

(3) As used in this section, the term "off-highway motorbike" means any self-propelled two (2), three (3), four (4) or five (5) wheeled motorcycle or motor-driven cycle, excluding tractor, designed for or capable of traveling off developed roadways and highways and also referred to as trailbikes, enduro bikes, trail bikes, motorcross bikes or dual purpose motorcycles.

(4) As used in this section, the term "recreational vehicle" means a motor home, travel trailer, park model recreational vehicle, truck camper or camping trailer, with or without motive power, designed for human habitation for recreational or emergency occupancy. The term "recreational vehicle" shall not include 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. Specific classes of recreational vehicles are defined as follows:

(a) The term "motor home" shall mean a vehicular unit designed to provide temporary living quarters, built into an integral part of or permanently attached to a self-propelled motor vehicle chassis. The vehicle must contain permanently installed independent life support systems which meet the American national standards institute (ANSI) A119.7 standard for recreational vehicles, and provide at least four (4) of the following facilities: cooking, refrigeration or icebox, self-contained toilet, heating and/or air conditioning, a portable potable water supply system, including a faucet and sink, separate 110-125 volt electrical power supply and/or LP-gas supply.

(b) The term "travel trailer" shall mean a vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping, travel or emergency use and of such size or weight as not to require special highway movement permits when towed by a motorized vehicle.

(c) The term "fifth-wheel trailer" shall mean a vehicular unit equipped in the same manner as a travel trailer but constructed with a raised forward section that allows a bi-level floor plan. This style is designed

to be towed by a vehicle equipped with a device known as a fifth-wheel hitch, which is typically installed in the bed of a pickup truck.

(d) The term "~~park trailer model recreational vehicle~~" shall mean a trailer designed to be towed by a motorized vehicle, and of such size and weight as not to require a special highway movement permit. It is designed for seasonal or temporary living quarters and may be connected to utilities necessary for operation of installed fixtures and appliances. It is built on a single permanent chassis and constructed to permit set up by persons without special skills vehicle as defined in section 49-117, Idaho Code.

(e) The term "fold down camping trailer" shall mean a vehicular portable unit mounted on wheels and constructed with collapsible partial side walls, which fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters, for recreational, camping or travel use.

(f) The term "truck camper" shall mean a portable unit constructed to provide temporary living quarters for recreational, travel or camping use, consisting of a roof, floor, and sides, designed to be loaded onto and unloaded from the bed of a pickup truck, and containing at least one (1) of the following facilities: stove; refrigerator or icebox; self-contained toilet; heater or air conditioner; potable water supply including a faucet and sink; separate 110-125 volt electrical power supply; or LP-gas supply.

(5) As used in this section, the term "motorcycle" means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor. A motorcycle also is every motor scooter or motorized bicycle having an engine with less than one hundred fifty (150) cubic centimeters displacement or with five (5) brake horsepower or less.

(6) As used in this section, the term "repairs" shall include only the costs of parts, but not labor, utilized on the snowmobile, off-highway motorbike, recreational vehicle or motorcycle.

Approved March 24, 2017

CHAPTER 135
(H.B. No. 169)

AN ACT

RELATING TO THE CONSTITUTIONAL DEFENSE COUNCIL; AMENDING SECTION 67-6302, IDAHO CODE, TO REVISE PROVISIONS REQUIRING LEGISLATIVE APPROVAL FOR ANY ACTION TO INTRODUCE OR REINTRODUCE ANY SPECIES INTO THE STATE.

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

SECTION 1. That Section 67-6302, Idaho Code, be, and the same is hereby amended to read as follows:

67-6302. LEGISLATIVE APPROVAL REQUIRED FOR CERTAIN FEDERAL ACTIONS. No action may be taken by a any federal agency, state, state agency ~~including the United States fish and wildlife service,~~ or any entity acting ~~on behalf of a federal agency,~~ to introduce or to reintroduce any species into the state of Idaho without first securing the approval of the Idaho state legislature.

Approved March 24, 2017

CHAPTER 136
(H.B. No. 170)

AN ACT

RELATING TO FISH, WILDLIFE AND WATER RESOURCES; AMENDING SECTION 67-818, IDAHO CODE, TO REVISE PROVISIONS REGARDING IDAHO'S PRIMACY OVER THE MANAGEMENT OF ITS FISH, WILDLIFE AND WATER RESOURCES, TO PROVIDE THAT ANY INTRODUCTION OR REINTRODUCTION WITHOUT STATE CONSULTATION AND APPROVAL IS PROHIBITED, AND TO MAKE A TECHNICAL CORRECTION.

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

SECTION 1. That Section 67-818, Idaho Code, be, and the same is hereby amended to read as follows:

67-818. COORDINATION OF POLICY AND PROGRAMS RELATED TO THREATENED SPECIES AND ENDANGERED SPECIES IN IDAHO. (1) There is hereby created in the office of the governor, the "Office of Species Conservation." The administrator of the office of species conservation shall be the official in the state designated to oversee implementation of federal recovery plans, as provided in 16 U.S.C. section 1533(f), and to fulfill the duties provided by this section. The administrator shall be appointed by, and serve at the pleasure of, the governor and shall be subject to confirmation by the state senate.

(2) The duties of the office of species conservation shall include:

(a) Coordination of all state departments and divisions with duties and responsibilities affecting endangered species, threatened species, candidate species, species petitioned to be listed, and rare and declining species as defined in section 36-2401, Idaho Code;

(b) Coordinating state implementation and response to federal recovery plans, biological opinions, guidance and projects among all state and local governments in the state of Idaho;

(c) Participation in regional efforts to cooperatively address endangered species, threatened species, candidate and petitioned species, and rare and declining species;

(d) Providing input and comment to federal and state agencies, and tribes on issues relating to endangered species, threatened species, candidate and petitioned species, and rare and declining species;

(e) Cooperating and consulting with the department of fish and game, the department of lands, the department of water resources, the department of agriculture, and the department of parks and recreation regarding agreements pursuant to 16 U.S.C. section 1533, 16 U.S.C. section 1535 and 16 U.S.C. section 1539;

(f) Negotiating agreements with federal agencies concerning endangered species, threatened species, candidate species, petitioned species, and rare and declining species including, but not limited to, agreements pursuant to 16 U.S.C. section 1533(d) and 16 U.S.C. section 1539(a), other than those agreements negotiated pursuant to 16 U.S.C. section 1535;

(g) Providing the people of the state of Idaho with an ombudsman who can listen to citizens being harmed or hindered by the regulations of the ESA and direct them to the appropriate state or federal agency and/or speak on their behalf, as deemed appropriate by the ombudsman, to address issues or concerns related to the ESA;

(h) Serve as a repository for agreements and plans among governmental entities in the state of Idaho for the conservation of rare and declining species, petitioned, candidate, threatened and endangered species.

(3) State policy and management plans developed pursuant to this section shall be developed in accordance with the following subsections:

(a) State policy on rare and declining, petitioned, candidate, threatened, and endangered species and state management plans shall be developed in consultation with the appropriate state agencies. The appropriate state agency for wildlife and plant management issues is the department of fish and game. The appropriate state agency for timber harvest activities, oil and gas exploration activities and for mining activities is the department of lands. The appropriate state agencies for agricultural activities are the department of agriculture and the Idaho state soil and water conservation commission. The appropriate state agency for public road construction is the transportation department. The appropriate state agency for water rights is the department of water resources. The appropriate state agency for water quality is the department of environmental quality. The appropriate state agency for outfitting and guiding activities is the Idaho outfitters and guides licensing board;

(b) State management plans shall be the policy of the state of Idaho, but are subject to legislative approval, amendment or rejection by concurrent resolution. State management plans shall be subject to public notice and comment but shall not be subject to judicial review.

(4) The governor's office of species conservation shall prepare a report to the legislature recommending a plan to develop state conservation assessments and strategies for rare and declining species in the state of Idaho and submit that report and recommendation to the legislature. The report and recommendation are subject to legislative approval, amendment or rejection by concurrent resolution.

(5) The state asserts primacy over the management of its fish, and wildlife and water resources. Accordingly, any introduction or reintroduction of any ~~federally-listed aquatic or terrestrial~~ species onto lands within the state or into state waters, including those actions that would impair or impede the state's primacy over its land and water, without state consultation and approval is against the policy of the state of Idaho and is hereby prohibited.

(6) No provision of this section shall be interpreted as to supersede, abrogate, injure or create rights to divert or store water and apply water to beneficial uses established under section 3, article XV, of the constitution of the state of Idaho, and title 42, Idaho Code.

Approved March 24, 2017

CHAPTER 137
(H.B. No. 171)

AN ACT

RELATING TO FISHWAYS; AMENDING SECTION 36-906, IDAHO CODE, TO PROVIDE THAT SPECIFIED LAW REGARDING FISHWAYS SHALL NOT APPLY TO THE HELLS CANYON HYDROELECTRIC PROJECT.

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

SECTION 1. That Section 36-906, Idaho Code, be, and the same is hereby amended to read as follows:

36-906. FISHWAYS IN DAMS -- SCREENS IN DIVERSIONS -- REMOVAL OF UNUSED DAMS -- PENALTY. (a) Fishways Required. No person shall construct or maintain a dam or other obstruction which restricts the free and uninterrupted passage of fish in any stream in this state without a proper fishway therein. Such fishway shall be installed and maintained at the owner's expense and shall be of a sufficient kind and capacity as to accommodate seasonal movements of fish up and down the stream. Said fishway shall be constructed according to plans and specifications approved by the director and such plans shall be incorporated into the overall design of said dam prior to the start of construction. The director, upon request, shall furnish design criteria for such fishway construction. The provisions of this subsection do not apply to the Hells Canyon hydroelectric project.

(b) Screening of Diverted Waters. No person shall operate any mill, factory, power plant or other manufacturing concern run by water power and having either a head or tail race, or for any person to maintain and operate any ditch, flume, canal or other water conduit receiving or taking water from any stream or lake in this state without first installing and maintaining a suitable screen or other device to prevent fish from entering therein; said screens shall be installed and maintained in a manner and to such specifications and at such locations as may be required by the director and at the expense of the owner or operator of such diversion.

(c) Notification of Need -- Screens or Fishways. When a need is found for screens or fishways in planned or existing diversions, dams or obstructions, the director shall order in writing the construction and installation of such screens or fishways. Said order shall specify the type, design and location of said screen or fishway and the time within which said screen or fishway must be installed. Said time shall not be less than thirty (30) days nor more than six (6) months from the date of service of said order.

(d) Removal of Existing Structures -- Removal of Abandoned Structures. When it is found that dams or other obstructions which have been placed in the rivers or streams of this state have been abandoned or are not serving any useful purpose and it appears the same are detrimental to the fishery resource, the director may cause the removal of same in such manner as he may see fit.

Approved March 24, 2017

CHAPTER 138
(H.B. No. 181)

AN ACT

RELATING TO THE LOCAL GOVERNMENT INVESTMENT POOL; AMENDING SECTION 67-1226, IDAHO CODE, TO AUTHORIZE PUBLIC CHARTER SCHOOL PARTICIPATION IN THE LOCAL GOVERNMENT INVESTMENT POOL.

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

SECTION 1. That Section 67-1226, Idaho Code, be, and the same is hereby amended to read as follows:

67-1226. LOCAL GOVERNMENT INVESTMENT POOL. The state treasurer is hereby authorized to establish and maintain a pooled investment program for the benefit of public agencies including, but not limited to, municipalities, districts, political subdivisions, and political or public corporations, and public charter schools of the state of Idaho. Any ~~municipality, district, political subdivision or political or public corporation~~ public agency is hereby authorized to invest funds not immediately required for activities of such entity in the pooled investment program. Notwithstanding the provisions of any statute of the state of Idaho to the contrary, the state treasurer may invest the funds of a pooled investment program in any investment the state treasurer is authorized by law to acquire using the idle moneys of the state of Idaho. The costs of investing such funds pursuant to this section shall be paid from the funds invested or the earnings on such funds.

Approved March 24, 2017

CHAPTER 139
(H.B. No. 182)

AN ACT

RELATING TO DUTIES OF THE STATE TREASURER; AMENDING SECTION 67-1210, IDAHO CODE, TO PROVIDE THAT EACH FUND INVESTED BY THE OFFICE OF THE STATE TREASURER SHALL BE CHARGED AN INVESTMENT ADMINISTRATION FEE AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 67-1210, Idaho Code, be, and the same is hereby amended to read as follows:

67-1210. INVESTMENT OF IDLE MONEYS. It shall be the duty of the state treasurer to invest idle moneys in the state treasury in any of the following:

(a) Bonds, treasury bills, interest-bearing notes, or other obligations of the United States, or those for which the faith and credit of the United States are pledged for the payment of principal and interest.

(b) General obligation or revenue bonds of this state, or those for which the faith and credit of this state are pledged for the payment of principal and interest.

(c) General obligation or revenue bonds of any county, city, metropolitan water district, municipal utility district, school district or other taxing district of this state.

(d) Notes, bonds, debentures, or other similar obligations issued by the farm credit system or institutions forming a part thereof under the farm credit act of 1971, U.S.C., tit. 12, sections 2001-2259, and all acts of congress amendatory thereof or supplementary thereto; in bonds or debentures of the federal home loan bank board established under the federal home loan bank act, U.S.C., tit. 12, sections 1421-1449; in bonds, debentures and other obligations of the federal national mortgage association established under the national housing act, U.S.C., tit. 12, sections 1701-1750g, as amended, and in the bonds of any federal home loan bank established under said act and in other obligations issued or guaranteed by agencies or instrumentalities of the government of the state of Idaho or of the United States, including the United States small business administration guaranteed portion of any loan approved by an Idaho banking corporation and by the state treasurer.

(e) Bonds, notes or other similar obligations issued by public corporations of the state of Idaho including, but not limited to, the Idaho state building authority, the Idaho housing and finance association and the Idaho water resource board.

(f) Repurchase agreements covered by any legal investment for the state of Idaho.

(g) Tax anticipation notes and registered warrants of the state of Idaho.

(h) Tax anticipation bonds or notes and income and revenue anticipation bonds or notes of taxing districts of the state of Idaho.

(i) Time deposit accounts and savings accounts in state depositories including, but not limited to, accounts on which interest or dividends are paid and upon which negotiable orders of withdrawal may be drawn, and similar transaction accounts.

(j) Time deposit accounts and savings accounts of state or federal savings and loan associations located within the geographical boundaries of the state in amounts not to exceed the insurance provided by the federal deposit insurance corporation including, but not limited to, accounts on which interest or dividends are paid and upon which negotiable orders of withdrawal may be drawn, and similar transaction accounts.

(k) Revenue bonds of institutions of higher education of the state of Idaho.

(l) Share, savings and deposit accounts of state and federal credit unions located within the geographical boundaries of the state in amounts not to exceed the insurance provided by the national credit union share insurance fund and/or any other authorized deposit guaranty corporation, including, but not limited to, accounts on which interest or dividends are paid and upon which negotiable orders of withdrawal may be drawn, and similar transaction accounts.

(m) Money market funds whose portfolios consist of any allowed investment as specified in this section. The securities held in money market portfolios must be dollar-denominated, meaning that all principal and interest payments on such a security are payable to security holders in United States dollars.

The term "idle moneys" means the balance of cash and other evidences of indebtedness which are accepted by banks as cash in the ordinary course of business, in demand deposit accounts, after taking into consideration all deposits and withdrawals, on a daily basis.

The interest received on all such investments, unless otherwise specifically required by law, shall be paid into the general account of the state of Idaho. Provided, unless otherwise specifically provided by statute, any interest earned on funds received by the state pursuant to a federal law, regulation, or federal-state agreement which governs disposition of interest earned upon such funds shall be accounted for separately to give effect to the federal law, regulation, or federal-state agreement.

If the interest is to be credited to a separate account, the state treasurer shall charge the account an investment administration fee. The amount of the fee shall be determined annually by the state treasurer and submitted to the board of examiners for approval as stipulated in section 67-3524, Idaho Code. The fee shall be expressed as an annual percentage of the average daily balance of the account, including separate investments, if any, of that account. The fee shall be charged monthly in an amount approximately ~~one-twelfth~~ one twelfth (1/12) of the fee which would be payable on an annual basis. The amount of the investment administration fee shall constitute an appropriation from the account for which the investment administration services are rendered.

The state treasurer shall charge an investment administration fee to each such state fund or account, including the general account, which ~~receives investment income from investments administered~~ is invested by the office of state treasurer. The investment administration fee shall be determined annually by the state treasurer and submitted to the board of examiners for approval, as stipulated in section 67-3524, Idaho Code. The fee shall be expressed as an annual percentage of the average daily balance of the fund or account, including separate investments, if any, of that fund or account. The fee shall be charged monthly in an amount approximately ~~one-twelfth~~ one twelfth (1/12) of the fee which would be payable on an annual basis. The amount of the investment administration fee shall constitute an appropriation from the fund or account for which the investment administration services are rendered.

The term "to invest" means to use the idle moneys in the state treasury to buy, sell, including selling before maturity at either a gain or a loss, retain, or exchange any of the investments described in this section, considering the probable safety of the capital, the probable income to be derived, and the liquidity of the assets.

Approved March 24, 2017

CHAPTER 140
(H.B. No. 183)

AN ACT

RELATING TO THE STATE TREASURER; AMENDING SECTION 67-1201, IDAHO CODE, TO REVISE DUTIES OF THE STATE TREASURER, TO MODERNIZE LANGUAGE AND REFLECT CURRENT PRACTICES AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 67-1201, Idaho Code, be, and the same is hereby amended to read as follows:

67-1201. DUTIES OF TREASURER. It is the duty of the treasurer:

1. To receive and keep all moneys belonging to the state not required to be received and kept by some other person, and if deemed necessary by the treasurer, to name additional or multiple custodians for the same.

2. To file and keep, for not less than two (2) years, the certificates records of the state controller delivered to him when moneys are paid into the treasury. After two (2) years, such records may be disposed of as provided in sections 9-328 ~~through 9-330~~, Idaho Code, unless a specific written request for further retention has been made to the treasurer.

3. To ~~deliver report~~ report to each person paying money into the treasury a receipt showing the amount, ~~the sources from which the money accrued,~~ and the ~~funds into which it is paid,~~ which date of deposit. ~~R~~receipts must be num-

~~bered in order, beginning with number one (1) at the commencement of uniquely within each fiscal year.~~

4. To pay warrants drawn by the state controller out of the accounting entity upon which they are drawn.

5. To invest idle moneys in the state treasury in permitted investments, and to pay the interest received on all such investments, unless otherwise specifically required by law, into the general account in the state operating fund.

6. To keep, for ~~so~~ as long as the treasurer deems necessary, a record of all moneys received and disbursed.

7. To keep, for ~~so~~ as long as the treasurer deems necessary, separate records of the different funds.

8. To report to the state controller daily, the amount disbursed for ~~redemption of bonds and in payment of by warrants or other commercial payment method~~; which report must show the date and number of such ~~bonds and warrants payments~~, the fund out of which they were paid, and to report to the state controller monthly, the balance of cash on hand in the treasury to the credit of each fund.

9. At the request of either house of the legislature, or any committee thereof, to give information in writing as to the condition of the treasury, or upon any subject relating to the duties of his office.

10. To report to the governor ~~at the time prescribed in this code, upon request~~, the exact balance in the treasury to the credit of the state, with a summary of the receipts and payments of the treasury during the preceding fiscal year.

11. To authenticate with his official seal, as the treasurer deems appropriate, all writings and papers issued from his office.

12. To discharge such other duties as may be imposed upon him by law.

Approved March 24, 2017

CHAPTER 141

(H.B. No. 186, As Amended)

AN ACT

RELATING TO SCHOOLS; AMENDING SECTION 33-5602, IDAHO CODE, TO INCLUDE WIRELESS LOCAL AREA NETWORK SERVICES IN THE SCOPE OF THE EDUCATION OPPORTUNITY RESOURCE ACT; AND AMENDING SECTION 33-5604, IDAHO CODE, TO INCLUDE WIRELESS LOCAL AREA NETWORK SERVICES AND WIDE AREA NETWORKS IN THE POWERS AND DUTIES OF THE EDUCATION OPPORTUNITY RESOURCE COMMITTEE.

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

SECTION 1. That Section 33-5602, Idaho Code, be, and the same is hereby amended to read as follows:

33-5602. PURPOSE, FINDINGS AND LEGISLATIVE INTENT -- DEFINITIONS. (1) The purpose of this act is to establish a resource for Idaho's education and library system in providing broadband, wireless local area network (LAN) and related services to students. The legislature finds that Idaho benefits from a consistent and adequate bandwidth connection to and between its districts and schools, inclusive of grades K through 12, and to its libraries. It is the intent of the legislature that:

(a) State resources be made available to support Idaho's E-rate eligible entities with technical, E-rate, security, contracting and procurement guidance, and funding distribution;

(b) E-rate eligible entities shall have the ability to collaborate regionally and intrastate for broadband and related services; and

(c) Districts shall have the ability to collaborate regionally and intrastate for wireless LAN services; and

(d) E-rate eligible entities apply for and pursue, in good faith, E-rate funding.

(2) As used in this chapter:

(a) "Districts" means Idaho public schools grades K through 12, the Idaho digital learning academy, the Idaho department of juvenile corrections' education programs and the school for the deaf and the blind.

(b) "E-rate" means the schools and libraries program of the universal service fund that is administered by the universal service administrative company under the direction of the federal communications commission.

(bc) "E-rate eligible entities" 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. That Section 33-5604, Idaho Code, be, and the same is hereby amended to read as follows:

33-5604. EDUCATION OPPORTUNITY RESOURCE COMMITTEE -- POWERS AND DUTIES. In carrying out its powers and duties set forth in this section, the education opportunity resource committee shall focus on the broadband, wireless LAN and related services needs of all E-rate eligible entities. At a minimum, the committee shall:

(1) Make budget and policy recommendations to the state department of education regarding:

(a) Broadband parameters;

(b) Wireless LAN parameters;

(c) Incentives for E-rate eligible entities to obtain the most appropriate service that best fits such entities' broadband needs and that is fiscally responsible; and

(ed) Incentives for districts to obtain the most appropriate service that best fits their wireless LAN needs and that is fiscally responsible; and

(e) The minimum and maximum service levels, the quality of services and the minimum per student or person internet and wireless LAN levels that contracts must adhere to for E-rate eligible entities to be eligible for state reimbursement.

(2) Establish reimbursement methodology that includes, but is not necessarily limited to, the following components:

(a) Distribution of appropriated moneys to E-rate eligible entities that have received E-rate funding. Distribution of such moneys must be in an amount equal to the non-E-rate reimbursed cost of internet services; and

(b) If E-rate funding is not available to an E-rate eligible entity for any reason, other than a failure of the entity to apply in good faith for available E-rate funding, reimburse the entity for its internet service costs;

(c) Distribution of appropriated moneys remaining, after internet services are fully funded, for wide area networks (WANs). If necessary, the committee shall create an equalization formula for WAN distributions; and

(d) Distribution of appropriated moneys for wireless LAN service to districts that either have received E-rate funding or have applied in good faith for E-rate funding.

(3) Compile and analyze broadband utilization statistics from E-rate eligible entities to determine the levels of internet services necessary for such entities and report the statistics to the state department of

education, and E-rate eligible entities shall cooperate with the committee in carrying out its duty to compile and analyze such information;

(4) Advise and recommend resources to assist the state department of education in carrying out its responsibility to provide E-rate application assistance and support to E-rate eligible entities;

(5) Not provide legal advice;

(6) Collaborate with other relevant governmental and nongovernmental entities to ensure best practices in broadband and wireless LAN are used and to recommend the terms of contracts for broadband, wireless LAN and related services; and

(7) Ensure compliance with appropriate purchasing laws.

Approved March 24, 2017

CHAPTER 142
(H.B. No. 188)

AN ACT

RELATING TO CAMPAIGN FINANCE DISCLOSURES; AMENDING SECTION 67-6621, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-6623, IDAHO CODE, TO PROVIDE FOR THE ELECTRONIC OR ONLINE FILING OF CAMPAIGN FINANCE REPORTS, TO PROVIDE FOR EXCEPTIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-6624, IDAHO CODE, TO PROVIDE FOR THE APPLICATION OF THE UNIFORM ELECTRONIC TRANSACTIONS ACT AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-6625, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-6627, IDAHO CODE, TO REDESIGNATE THE SECTION; AMENDING SECTION 67-6628, IDAHO CODE, TO REDESIGNATE THE SECTION; AMENDING SECTION 67-6629, IDAHO CODE, TO REDESIGNATE THE SECTION; AND AMENDING SECTION 67-6630, IDAHO CODE, TO REDESIGNATE THE SECTION.

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

SECTION 1. That Section 67-6621, Idaho Code, be, and the same is hereby amended to read as follows:

67-6621. DUTIES OF LOBBYISTS. A person required to register as a lobbyist under this act shall also have the following obligations, the violation of which shall constitute cause for revocation of his registration, and may subject such person, and such person's employer, if such employer aids, abets, ratifies or confirms any such act, to other civil liabilities, as provided by this act:

(a1) Such persons shall obtain and preserve all accounts, bills, receipts, books, papers, and documents necessary to substantiate the financial reports required to be made under this act for a period of at least three (3) years from the date of the filing of the statement containing such items, which accounts, bills, receipts, books, papers and documents shall be made available for inspection by the secretary of state at any reasonable time during such three (3) year period; provided, however, that if a lobbyist is required under the terms of his employment contract to turn any records over to his employer, responsibility for the preservation of such records under this subsection shall rest with such employer.

(b2) In addition, a person required to register as a lobbyist shall not:

(1a) Engage in any activity as a lobbyist before registering as such;

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

(3c) Cause or influence the introduction of any bill or amendment thereto for the purpose of thereafter being employed to secure its defeat;

- (4d) Knowingly represent an interest adverse to any of his employers without first obtaining such employers' consent thereto after full disclosure to such employers of such adverse interest;
- (5e) Exercise any economic reprisal, extortion, or unlawful retaliation upon any legislator by reason of such legislator's position with respect to, or his vote upon, any pending or proposed legislation;
- (6f) Accept any employment as a lobbyist for a compensation dependent in any manner upon the passage or defeat of any proposed or pending legislation or upon any other contingency connected with the action of the legislature or of either branch thereof or of any committee thereof. This contingent fee prohibition shall also apply to lobbying activities that pertain to communications with executive officials as described in section 67-6602(g7), Idaho Code.

SECTION 2. That Section 67-6623, Idaho Code, be, and the same is hereby amended to read as follows:

67-6623. DUTIES OF SECRETARY OF STATE. The secretary of state is charged with enforcement of the provisions of this act, and in addition to duties otherwise prescribed herein, it shall be his duty:

(a1) To prescribe forms for statements and other information required to be filed by this act, and to furnish such forms and instruction manual to persons required to file such statements and information;

(b2) To make statements and other information filed with him available for public inspection and copying during regular office hours, and to make copying facilities available at a charge not to exceed actual cost;

(e3) To preserve such statements and other information for a period of four (4) years from date of receipt;

(d4) To make investigations with respect to statements filed under the provisions of this act, and with respect to alleged failures to file any statement required under the provisions of this act, and upon complaint by any person with respect to alleged violations of any part of this act;

(e5) To report suspected violations of law to the appropriate law enforcement authorities;

(f6) To prescribe and publish rules in accordance with the provisions of chapter 52, title 67, Idaho Code, and to take such other actions as may be appropriate to carry out the provisions of this act;

(g7) To require and prescribe methods of for the filing of reports by in an electronic means format to ensure the prompt filing of reports with county clerks, city clerks and clerks of special districts. The receiving authority may, on an individual basis, grant a hardship waiver and accept a report required by this chapter in another format specified by the secretary of state.

(8) To require and prescribe methods for the online filing of reports with the secretary of state to ensure prompt publication of reports on the secretary of state's website. The secretary of state may, on an individual basis, grant a hardship waiver and accept a report required by this chapter in another format specified by the secretary of state.

SECTION 3. That Section 67-6624, Idaho Code, be, and the same is hereby amended to read as follows:

67-6624. STATEMENTS TO BE CERTIFIED. All statements required to be filed with the Ssecretary of Sstate under this act shall be signed and certified as true and correct by the person required to file the same. Electronic signatures and certifications shall be governed by the uniform electronic transactions act, chapter 50, title 28, Idaho Code.

SECTION 4. That Section 67-6625, Idaho Code, be, and the same is hereby amended to read as follows:

67-6625. VIOLATIONS -- CIVIL FINE -- MISDEMEANOR PENALTY -- PROSECUTION -- LIMITATION -- VENUE. (a₁) Any person who violates the provisions of sections 67-6603, 67-6604, 67-6606 through 67-6614A, 67-6617, 67-6619, 67-6620, 67-6621(a₁), 67-6624, 67-6629 67-6627 or 67-6630 67-6628, Idaho Code, shall be liable for a civil fine not to exceed two hundred fifty dollars (\$250) if an individual, and not more than two thousand five hundred dollars (\$2,500) if a person other than an individual. The burden of proof for such civil liability shall be met by showing a preponderance of the evidence.

(b₂) Any person who violates section 67-6605 or 67-6621(b₂), Idaho Code, and any person who knowingly and willfully violates sections 67-6603 through 67-6614A, 67-6617, 67-6619, 67-6620, 67-6621(a₁), 67-6624, 67-6629 67-6627 or 67-6630 67-6628, Idaho Code, is guilty of a misdemeanor and, upon conviction, in addition to the fines set forth in subsection (a₁) of this section, may be imprisoned for not more than six (6) months or be both fined and imprisoned.

(e₃) The attorney general or the appropriate prosecuting attorney may prosecute any violations of this act.

(d₄) Prosecution for violation of this act must be commenced within two (2) years after the date on which the violation occurred.

(e₅) Venue for prosecution under the provisions of this chapter shall be in the county of residence of the defendant if the defendant is a resident of the state of Idaho, otherwise venue shall be in Ada county.

SECTION 5. That Section 67-6627, Idaho Code, be, and the same is hereby amended to read as follows:

67-6627₉. SEVERABILITY. If any provisions of this act or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

SECTION 6. That Section 67-6628, Idaho Code, be, and the same is hereby amended to read as follows:

67-6628₃₀. CONSTRUCTION. The provisions of this act are to be liberally construed to effectuate the policies and purposes of this act. In the event of conflict between the provisions of this act and any other act, the provisions of this act shall govern.

SECTION 7. That Section 67-6629, Idaho Code, be, and the same is hereby amended to read as follows:

67-6629₇. PERSUASIVE POLL CONCERNING CANDIDATE MUST IDENTIFY PERSON OR ENTITY PAYING FOR POLL. (1) If a person, candidate, political party or political committee requests or compensates a person to:

(a) Conduct or cause to be conducted a persuasive poll by telephone concerning a candidate; or

(b) Produce automated or computerized messages by telephone to conduct a persuasive poll concerning a candidate.

The person conducting the poll shall, at the end of the poll, disclose the name and telephone number of the person, candidate, political party or political committee that requested or compensated the person for the poll.

(2) As used in this section, "persuasive poll" means the canvassing of persons, by means other than an established method of scientific sampling, by asking questions or other information concerning a candidate which is designed to provide information that is designed to advocate the election, ap-

proval or defeat of a candidate or measure. The term does not include a poll that is conducted only to measure the public's opinion about or reaction to an issue, fact or theme.

(3) A violation of the provisions of this section shall be punishable as provided in section 67-6625, Idaho Code.

SECTION 8. That Section 67-6630, Idaho Code, be, and the same is hereby amended to read as follows:

67-663028. ELECTIONEERING COMMUNICATIONS -- STATEMENTS. (1) Any person who conducts or transmits any electioneering communication shall be required to file a statement on a form provided by the secretary of state. Contents of the statement shall include the amount spent on such communications, the name and address of the person, and the names and addresses of any persons who contribute fifty dollars (\$50.00) or more to any person described in this section.

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

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

Approved March 24, 2017

CHAPTER 143
(H.B. No. 191)

AN ACT

RELATING TO PHARMACY; AMENDING SECTION 54-1704, IDAHO CODE, TO PROVIDE THAT PHARMACISTS MAY MAKE CERTAIN PRESCRIPTIONS AS AUTHORIZED BY RULE OF THE BOARD OF PHARMACY.

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

SECTION 1. That Section 54-1704, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

(2) Participation in drug and device selection, drug administration, prospective and retrospective drug reviews and drug or drug-related research;

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

(4) The responsibility for:

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

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

(c) The offering or performing of those acts, services, operations or transactions necessary to the conduct, operation, management and control of pharmacy;

(5) The prescribing of:

(a) Dietary fluoride supplements when prescribed according to the American dental association's recommendations for persons whose drinking water is proven to have a fluoride content below the United States department of health and human services' recommended concentration;

(b) Agents for active immunization when prescribed for susceptible persons six (6) years of age or older for the protection from communicable disease;

(c) Opioid antagonists pursuant to section 54-1733B, Idaho Code; and

(d) Epinephrine auto-injectors pursuant to sections 54-1733C and 54-1733D, Idaho Code; and

(e) Drugs, drug categories or devices that are specifically authorized in rules adopted by the board. Such drugs and devices shall be prescribed in accordance with the product's federal food and drug administration-approved labeling. Drugs, drug categories or devices authorized by the board under this section shall be limited to conditions that:

(i) Do not require a new diagnosis;

(ii) Are minor and generally self-limiting;

(iii) Have a test that is used to guide diagnosis or clinical decision-making and are waived under the federal clinical laboratory improvement amendments of 1988; or

(iv) In the professional judgment of the pharmacist, threaten the health or safety of the patient should the prescription not be immediately dispensed. In such cases, only sufficient quantity may be provided until the patient is able to be seen by another provider.

The board shall not adopt any rules authorizing a pharmacist to prescribe a controlled drug, compounded drug or biological product.

Approved March 24, 2017

CHAPTER 144
(H.B. No. 193)

AN ACT

RELATING TO THE SECRETARY OF STATE; AMENDING SECTION 30-21-212, IDAHO CODE, TO PROVIDE THAT THE SECRETARY OF STATE MAY DELIVER A RECORD TO A PERSON BY ELECTRONIC TRANSMISSION.

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

SECTION 1. That Section 30-21-212, Idaho Code, be, and the same is hereby amended to read as follows:

30-21-212. DELIVERY BY SECRETARY OF STATE. Except as otherwise provided by section 30-21-412, Idaho Code, or by law of this state other than this chapter, the secretary of state may deliver a record to a person by delivering it:

(1) In person to the person that submitted it for filing;

(2) To the principal office address of the person;

(3) By means of electronic transmission, pursuant to the uniform electronic transactions act, chapter 50, title 28, Idaho Code;

(4) To another address the person provides to the secretary of state for delivery; or

(45) To the address of the person's registered agent.

Approved March 24, 2017

CHAPTER 145
(H.B. No. 199)

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-125B, IDAHO CODE, TO REVISE REQUIREMENTS REGARDING A PAY FOR SUCCESS CONTRACT AND TO PROVIDE THAT MONEYS FOR A PAY FOR SUCCESS CONTRACT MAY BE WITHHELD AND DISTRIBUTED UNDER CERTAIN CONDITIONS; AMENDING SECTION 33-1002, IDAHO CODE, TO PROVIDE FUNDING FOR PAY FOR SUCCESS CONTRACTING; AMENDING SECTION 33-1002, IDAHO CODE, AS AMENDED BY SECTION 5, CHAPTER 374, LAWS OF 2016, TO PROVIDE FUNDING FOR PAY FOR SUCCESS CONTRACTING AND TO MAKE CODIFIER'S CORRECTIONS; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 33-125B, Idaho Code, be, and the same is hereby amended to read as follows:

33-125B. PAY FOR SUCCESS CONTRACTING -- DUTIES OF THE STATE DEPARTMENT OF EDUCATION. (1) The state department of education may enter into contracts for approved services. Notwithstanding the provisions of chapter 92, title 67, Idaho Code, the department may issue a request for information for a contract upon identification of a need for a special service, or interested parties may identify a need for service within the department and submit a proposal to the department to negotiate a contract. Any contract entered into pursuant to this section shall provide for:

- (a) An evidence-based program delivered by the service provider designed to enhance student academic achievement;
- (b) Mutually agreed upon grade-level performance targets and efficacy standards;
- (c) Identified source of ~~department~~ moneys from which savings will be realized;
- (d) An external evaluator who shall have expertise in all of the following areas:
 - (i) Education;
 - (ii) Program evaluation and assessment;
 - (iii) Collection and maintenance of program data;
 - (iv) Demonstrated ability to link an individual student's data from grade to grade; and
 - (v) Knowledge of the Idaho-specific academic performance scores used to demonstrate efficacy of the service provider's program;
- (e) The state's payment obligations from the money appropriated to the public school support program, if the efficacy standards are met under the contract;
- (f) Terms under which the state may terminate the contract;
- (g) An annual audit to be performed by a certified public accountant; and
- (h) A mutually agreed upon formula for the distribution of savings realized by the service provider program.

An external evaluator shall approve the negotiated contract provisions relating to efficacy standards before the department may enter into any such contract.

- (2) Investor moneys shall be adequate to cover all contract costs.
- (3) The third-party administrator shall:
 - (a) Manage all moneys pursuant to subsection (2) of this section;
 - (b) When appropriate, direct payments to be made under the terms of the contract;
 - (c) Ensure an annual audit is conducted under the terms of the contract;

- (d) Issue financial reports as required by the contract; and
- (e) Complete all other compliance requirements of state or federal law.

(4) ~~The department shall approve the local education agencies (LEA) school district or public charter school from which each cohort will be chosen. The priority for selection of LEAs shall be given to:~~

- (a) LEAs School districts or public charter schools reporting the greatest number of students who are not proficient to meet grade-level performance targets being used to evaluate the service provider's program;
- (b) LEAs School districts or public charter schools reporting the greatest number of students on free and reduced lunch; and
- (c) LEAs School districts or public charter schools in different regions of the state.

The selection of cohorts shall be made by mutual agreement between the service provider, and the approved LEA school district or public charter school and the department.

(5) The department shall withhold distributions to participating school districts or public charter schools for the intervention or remediation efforts identified in the contract. Moneys shall be held in the public school income fund until the external evaluator makes a determination under this subsection. If the external evaluator determines that the efficacy standards have been met, the moneys shall be distributed pursuant to the terms of the contract. If the external evaluator determines that the efficacy standards have not been met, the moneys will be released to the school district or public charter school. Moneys withheld or distributed from this fund shall be subject to appropriation and shall not be included in public school discretionary funding variability pursuant to section 33-1018, Idaho Code. If the contract is terminated for any reason other than the achievement or nonachievement of the efficacy standards, the moneys shall be distributed according to the terms of the contract governing such an event.

(6) The external evaluator shall:

- (a) Determine whether the service provider has met the agreed upon efficacy standards under the terms of the contract by determining the outcomes for each cohort based on the following criteria:
 - (i) Whether there was an increase in the number of children proficient to meet grade-level performance targets at levels specified in the contract; and
 - (ii) ~~Calculate moneys no longer expended or distributed by the department~~ savings realized for intervention or remediation as specified in the contract;
- (b) Annually report the service provider efficacy standards to the department; and
- (c) Report the service provider efficacy standards to the third-party administrator for the purpose of determining whether payment should be made under the terms of the contract.

(67) An oversight committee is hereby created for the purpose of deciding whether or not the state department of education will enter into a negotiation with an interested party under this section, and for the purpose of monitoring contracts entered into under this section. The committee shall meet as often as is necessary to fulfill its obligations under this subsection. The committee shall consist of the following people:

- (a) The chief financial officer of the state department of education;
- (b) The subject matter expert at the state department of education;
- (c) A representative from the state controller's office;
- (d) The house of representatives education committee chairman; and
- (e) The senate education committee chairman.

(78) The state department of education shall report to the legislature on or before February 1 of each year on all contracts entered into pursuant to this section.

(89) The state board of education may promulgate rules implementing the provisions of this section.

(910) As used in this section:

- (a) "Cohort" means a group of individuals who enter the service provider's program on the same date.
- (b) "Department" means the state department of education.
- (c) "External evaluator" means the entity that is responsible for determining the efficacy of a service provider's program.
- (d) "Investor" means an individual or entity that provides the capital for the services specified in a contract.
- (e) ~~"Local education agency" or "LEA" means a public authority legally constituted by the state as an administrative agency to provide control of and direction for kindergarten through grade 12 public educational institutions.~~
- ~~(f)~~ "Service provider" means an organization that implements an evidenced-based program that conforms to the terms of the contract.
- ~~(g)~~ "Third-party administrator" means an SSAE-16 compliant firm or a firm licensed under chapter 2, title 54, Idaho Code, that manages all moneys deposited pursuant to this section and controlled by a contract.

SECTION 2. That Section 33-1002, Idaho Code, be, and the same is hereby amended to read as follows:

33-1002. EDUCATIONAL SUPPORT PROGRAM. The educational support program is calculated as follows:

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

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

- (a) Pupil tuition-equivalency allowances as provided in section 33-1002B, Idaho Code;
- (b) Transportation support program as provided in section 33-1006, Idaho Code;
- (c) Feasibility studies allowance as provided in section 33-1007A, Idaho Code;
- (d) The approved costs for border district allowance, provided in section 33-1403, Idaho Code, as determined by the state superintendent of public instruction;
- (e) The approved costs for exceptional child approved contract allowance, provided in subsection 2. of section 33-2004, Idaho Code, as determined by the state superintendent of public instruction;
- (f) Certain expectant and delivered mothers allowance as provided in section 33-2006, Idaho Code;
- (g) Salary-based apportionment calculated as provided in sections 33-1004 through 33-1004F, Idaho Code;
- (h) Unemployment insurance benefit payments according to the provisions of section 72-1349A, Idaho Code;
- (i) For expenditure as provided by the public school technology program;
- (j) For employee severance payments as provided in section 33-521, Idaho Code;
- (k) For distributions to the Idaho digital learning academy as provided in section 33-1020, Idaho Code;
- (l) For charter school facilities funds and reimbursements paid pursuant to section 33-5208(5), Idaho Code;
- (m) For an online course portal as provided for in section 33-1024, Idaho Code;

- (n) For advanced opportunities as provided for in chapter 46, title 33, Idaho Code;
- (o) For additional math and science courses for high school students as provided in section 33-1021, Idaho Code;
- (p) For leadership premiums as provided in section 33-1004J, Idaho Code;
- (q) For the support of provisions that provide a safe environment conducive to student learning and maintain classroom discipline, an allocation of three hundred dollars (\$300) per support unit;
- (r) An amount specified in the appropriation bill for the public schools educational support program for counseling support as provided for in section 33-1212A, Idaho Code, shall be distributed for grades 8 through 12 as follows:
 - (i) For school districts and public charter schools with one hundred (100) or more students enrolled in grades 8 through 12, a pro rata distribution based on students enrolled in grades 8 through 12 or ten thousand dollars (\$10,000), whichever is greater;
 - (ii) For school districts and public charter schools with fewer than one hundred (100) students enrolled in grades 8 through 12, one hundred dollars (\$100) per student enrolled in grades 8 through 12 or five thousand dollars (\$5,000), whichever is greater;
- (s) An amount specified in the public schools educational support program appropriation bill for literacy intervention pursuant to section 33-1616, Idaho Code, the disbursements made to the school districts and public charter schools in the aggregate shall not exceed the total amount appropriated for this purpose and shall be based on the actual costs of such intervention programs. School districts and public charter schools shall be reimbursed in full or in pro rata based on the average number of students in kindergarten through grade 3 who score basic or below basic on the fall statewide reading assessment in the prior three (3) years;
- (t) For mastery-based education as provided for in section 33-1630, Idaho Code; and
- (u) For pay for success contracting in section 33-125B, Idaho Code; and
- (v) Any additional amounts as required by statute to effect administrative adjustments or as specifically required by the provisions of any bill of appropriation;

to secure the total educational support distribution funds.

(3) Average Daily Attendance. The total state average daily attendance shall be the sum of the average daily attendance of all of the school districts of the state. The state board of education shall establish rules setting forth the procedure to determine average daily attendance and the time for, and method of, submission of such report. Average daily attendance calculation shall be carried out to the nearest hundredth. Computation of average daily attendance shall also be governed by the provisions of section 33-1003A, Idaho Code.

(4) Support Units. The total state support units shall be determined by using the tables set out hereafter called computation of kindergarten support units, computation of elementary support units, computation of secondary support units, computation of exceptional education support units, and computation of alternative school support units. The sum of all of the total support units of all school districts of the state shall be the total state support units.

COMPUTATION OF KINDERGARTEN SUPPORT UNITS

Average Daily

Attendance	Attendance Divisor	Units Allowed
41 or more....	40.....	1 or more as computed
31 - 40.99 ADA....	-.....	1
26 - 30.99 ADA....	-.....	.85
21 - 25.99 ADA....	-.....	.75
16 - 20.99 ADA....	-.....	.6
8 - 15.99 ADA....	-.....	.5
1 - 7.99 ADA....	-.....	count as elementary

COMPUTATION OF ELEMENTARY SUPPORT UNITS

Average Daily

Attendance	Attendance Divisor	Minimum Units Allowed
300 or more ADA.....	.....	.. 15
	..23...grades 4,5 & 6....	
	..22...grades 1,2 & 3....1994-95	
	..21...grades 1,2 & 3....1995-96	
	..20...grades 1,2 & 3....1996-97 and each year thereafter.	
160 to 299.99 ADA...	20.....	8.4
110 to 159.99 ADA...	19.....	6.8
71.1 to 109.99 ADA...	16.....	4.7
51.7 to 71.0 ADA...	15.....	4.0
33.6 to 51.6 ADA...	13.....	2.8
16.6 to 33.5 ADA...	12.....	1.4
1.0 to 16.5 ADA...	n/a.....	1.0

COMPUTATION OF SECONDARY SUPPORT UNITS

Average Daily

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

COMPUTATION OF EXCEPTIONAL EDUCATION SUPPORT UNITS

Average Daily Attendance	Attendance Divisor	Minimum Units Allowed
14 or more....	14.5.....	1 or more as computed
12 - 13.99....	-	1
8 - 11.99....	- .....	.75
4 - 7.99....	- .....	.5
1 - 3.99....	- .....	.25

COMPUTATION OF ALTERNATIVE SCHOOL SUPPORT UNITS

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

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

In applying these tables to any given separate attendance unit, no school district shall receive less total money than it would receive if it had a lesser average daily attendance in such separate attendance unit. In applying the kindergarten table to a kindergarten program of fewer days than a full school year, the support unit allowance shall be in ratio to the number of days of a full school year. The attendance of students attending an alternative school in a school district reporting fewer than one hundred (100) secondary students in average daily attendance shall not be assigned to the alternative table if the student is from a school district reporting fewer than one hundred (100) secondary students in average daily attendance, but shall instead be assigned to the secondary table of the school district in which they are attending the alternative school, unless the alternative school in question serves students from multiple districts reporting fewer than one hundred (100) secondary students in average daily attendance. The tables for exceptional education and alternative school support units shall be applicable only for programs approved by the state department of education following rules established by the state board of education. Moneys generated from computation of support units for alternative schools shall be utilized for alternative school programs. School district administrative and facility costs may be included as part of the alternative school expenditures.

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

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

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

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

(iii) The total number of support units of the district shall be the sum of the total support units for regular students, subparagraph (i) of this paragraph, and the support units allowance for the approved exceptional child program, subparagraph (ii) of this paragraph.

(b) Total District Allowance Educational Program. Multiply the district's total number of support units, carried out to the nearest hundredth, by the state distribution factor per support unit and to this product add the approved amount of programs of the district provided in subsection (2) of this section to secure the district's total allowance for the educational support program.

(c) District Share. The district's share of state apportionment is the amount of the total district allowance, paragraph (b) of this subsection.

(d) Adjustment of District Share. The contract salary of every noncertificated teacher shall be subtracted from the district's share as calculated from the provisions of paragraph (c) of this subsection.

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

SECTION 3. That Section 33-1002, Idaho Code, as amended by Section 5, Chapter 374, Laws of 2016, be, and the same is hereby amended to read as follows:

33-1002. EDUCATIONAL SUPPORT PROGRAM. The educational support program is calculated as follows:

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

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

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

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

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

- (d) The approved costs for border district allowance, provided in section 33-1403, Idaho Code, as determined by the state superintendent of public instruction;
- (e) The approved costs for exceptional child approved contract allowance, provided in subsection 2. of section 33-2004, Idaho Code, as determined by the state superintendent of public instruction;
- (f) Certain expectant and delivered mothers allowance as provided in section 33-2006, Idaho Code;
- (g) Salary-based apportionment calculated as provided in sections 33-1004 through 33-1004F, Idaho Code;
- (h) Unemployment insurance benefit payments according to the provisions of section 72-1349A, Idaho Code;
- (i) For expenditure as provided by the public school technology program;
- (j) For employee severance payments as provided in section 33-521, Idaho Code;
- (k) For distributions to the Idaho digital learning academy as provided in section 33-1020, Idaho Code;
- (l) For charter school facilities funds and reimbursements paid pursuant to section 33-5208(5), Idaho Code;
- (m) For an online course portal as provided for in section 33-1024, Idaho Code;
- (n) For advanced opportunities as provided for in chapter 46, title 33, Idaho Code;
- (o) For additional math and science courses for high school students as provided in section 33-1021, Idaho Code;
- (p) For leadership premiums as provided in section 33-1004J, Idaho Code;
- (q) For master teacher premiums as provided in section 33-1004I, Idaho Code;
- (~~sr~~) For the support of provisions that provide a safe environment conducive to student learning and maintain classroom discipline, an allocation of three hundred dollars (\$300) per support unit;
- (~~ts~~) An amount specified in the appropriation bill for the public schools educational support program for counseling support as provided for in section 33-1212A, Idaho Code, shall be distributed for grades 8 through 12 as follows:
 - (i) For school districts and public charter schools with one hundred (100) or more students enrolled in grades 8 through 12, a pro rata distribution based on students enrolled in grades 8 through 12 or ten thousand dollars (\$10,000), whichever is greater;
 - (ii) For school districts and public charter schools with fewer than one hundred (100) students enrolled in grades 8 through 12, one hundred dollars (\$100) per student enrolled in grades 8 through 12 or five thousand dollars (\$5,000), whichever is greater;
- (~~ut~~) An amount specified in the public schools educational support program appropriation bill for literacy intervention pursuant to section 33-1616, Idaho Code, the disbursements made to the school districts and public charter schools in the aggregate shall not exceed the total amount appropriated for this purpose and shall be based on the actual costs of such intervention programs. School districts and public charter schools shall be reimbursed in full or in pro rata based on the average number of students in kindergarten through grade 3 who score basic or below basic on the fall statewide reading assessment in the prior three (3) years;
- (~~vu~~) For mastery-based education as provided for in section 33-1630, Idaho Code; and

(v) For pay for success contracting as provided in section 33-125B, Idaho Code; and

(w) Any additional amounts as required by statute to effect administrative adjustments or as specifically required by the provisions of any bill of appropriation;

to secure the total educational support distribution funds.

(3) Average Daily Attendance. The total state average daily attendance shall be the sum of the average daily attendance of all of the school districts of the state. The state board of education shall establish rules setting forth the procedure to determine average daily attendance and the time for, and method of, submission of such report. Average daily attendance calculation shall be carried out to the nearest hundredth. Computation of average daily attendance shall also be governed by the provisions of section 33-1003A, Idaho Code.

(4) Support Units. The total state support units shall be determined by using the tables set out hereafter called computation of kindergarten support units, computation of elementary support units, computation of secondary support units, computation of exceptional education support units, and computation of alternative school support units. The sum of all of the total support units of all school districts of the state shall be the total state support units.

COMPUTATION OF KINDERGARTEN SUPPORT UNITS

Average Daily

Attendance	Attendance Divisor	Units Allowed
41 or more....	40.....	1 or more as computed
31 - 40.99 ADA....	-.....	1
26 - 30.99 ADA....	-.....	.85
21 - 25.99 ADA....	-.....	.75
16 - 20.99 ADA....	-.....	.6
8 - 15.99 ADA....	-.....	.5
1 - 7.99 ADA....	-.....	count as elementary

COMPUTATION OF ELEMENTARY SUPPORT UNITS

Average Daily

Attendance	Attendance Divisor	Minimum Units Allowed
300 or more ADA.....	.....	.. 15
	..23...grades 4,5 & 6....	
	..22...grades 1,2 & 3....1994-95	
	..21...grades 1,2 & 3....1995-96	
	..20...grades 1,2 & 3....1996-97 and each year thereafter.	
160 to 299.99 ADA...	20.....	8.4
110 to 159.99 ADA...	19.....	6.8
71.1 to 109.99 ADA...	16.....	4.7
51.7 to 71.0 ADA...	15.....	4.0
33.6 to 51.6 ADA...	13.....	2.8
16.6 to 33.5 ADA...	12.....	1.4
1.0 to 16.5 ADA...	n/a.....	1.0

COMPUTATION OF SECONDARY SUPPORT UNITS

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

COMPUTATION OF EXCEPTIONAL EDUCATION SUPPORT UNITS

Average Daily Attendance	Attendance Divisor	Minimum Units Allowed
14 or more....	14.5.....	1 or more as computed
12 - 13.99....	-.....	1
8 - 11.99....	-.....	.75
4 - 7.99....	-.....	.5
1 - 3.99....	-.....	.25

COMPUTATION OF ALTERNATIVE SCHOOL SUPPORT UNITS

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

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

In applying these tables to any given separate attendance unit, no school district shall receive less total money than it would receive if it had a lesser average daily attendance in such separate attendance unit. In applying the kindergarten table to a kindergarten program of fewer days than a full school year, the support unit allowance shall be in ratio to the number of days of a full school year. The attendance of students attending an alternative school in a school district reporting fewer than one hundred (100) secondary students in average daily attendance shall not be assigned to the alternative table if the student is from a school district reporting fewer than one hundred (100) secondary students in average daily attendance, but shall instead be assigned to the secondary table of the school district in which they are attending the alternative school, unless the alternative school in question serves students from multiple districts reporting fewer than one hundred (100) secondary students in average daily attendance. The tables for exceptional education and alternative school support units shall be applicable only for programs approved by the state department of education following rules established by the state board of education. Moneys generated from computation of support units for alternative schools shall be utilized for alternative school programs. School district adminis-

trative and facility costs may be included as part of the alternative school expenditures.

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

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

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

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

(iii) The total number of support units of the district shall be the sum of the total support units for regular students, subparagraph (i) of this paragraph, and the support units allowance for the approved exceptional child program, subparagraph (ii) of this paragraph.

(b) Total District Allowance Educational Program. Multiply the district's total number of support units, carried out to the nearest hundredth, by the state distribution factor per support unit and to this product add the approved amount of programs of the district provided in subsection (2) of this section to secure the district's total allowance for the educational support program.

(c) District Share. The district's share of state apportionment is the amount of the total district allowance, paragraph (b) of this subsection.

(d) Adjustment of District Share. The contract salary of every noncertificated teacher shall be subtracted from the district's share as calculated from the provisions of paragraph (c) of this subsection.

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

SECTION 4. Sections 1 and 2 of this act shall be in full force and effect on and after July 1, 2017. Section 3 of this act shall be in full force and effect on and after July 1, 2019.

Approved March 24, 2017

CHAPTER 146
(H.B. No. 203)

AN ACT

RELATING TO THE SECRETARY OF STATE; AMENDING CHAPTER 9, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-906, IDAHO CODE, TO AUTHORIZE THE SECRETARY OF STATE TO CREATE A STATEWIDE ELECTRONIC FILING SYSTEM FOR RECORDS REQUIRED TO BE FILED WITH THE OFFICE OF THE SECRETARY OF STATE; AND AMENDING SECTION 74-106, IDAHO CODE, TO EXEMPT FROM THE PUBLIC RECORDS LAW THE DISCLOSURE OF CERTAIN PERSONAL INFORMATION OF A USER OF THE SECRETARY OF STATE'S STATEWIDE ELECTRONIC FILING SYSTEM.

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

SECTION 1. That Chapter 9, 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 67-906, Idaho Code, and to read as follows:

67-906. ELECTRONIC FILING SYSTEM -- REQUIREMENTS -- RULES. (1) The secretary of state may develop and implement a statewide electronic filing system to accommodate the electronic filing of records and documents that are required to be filed in the office of the secretary of state. If the secretary of state develops and implements a statewide electronic filing system under this section:

- (a) The secretary of state shall establish a central database for all records and documents filed electronically with the secretary of state;
- (b) The secretary of state may require users of the system to provide personal information, such as a user email address, physical address, or phone number, in order for the user to create an account from which the user can access the statewide electronic filing system. Such personal information gathered by the secretary of state for user account purposes shall be exempt from public disclosure as outlined in section 74-106(34), Idaho Code;
- (c) The secretary of state may adopt rules that:
 - (i) Provide procedures for entering data;
 - (ii) Provide security and protection of information in the system and monitor the database and other components of the system to ensure that unauthorized entry is prevented;
 - (iii) Require standardized information for entry into the system;
 - (iv) Prescribe an identification procedure for a person filing records or other documents or otherwise accessing the system; and
 - (v) Require each individual who is required to sign a document that is filed electronically to be specifically identified as acknowledging the document and giving assent to the electronic filing through an identification procedure unique to that individual.
- (d) All records filed and recorded in the statewide electronic filing system are subject to the same requirements as if those records had been filed in paper form, subject to the provisions of the uniform electronic transactions act, chapter 50, title 28, Idaho Code.

(2) All persons filing records in any type of electronic filing system established by the secretary of state are subject to the same civil and criminal penalties applicable to a person who would otherwise file the same record in a nonelectronic format.

SECTION 2. That Section 74-106, Idaho Code, be, and the same is hereby amended to read as follows:

74-106. RECORDS EXEMPT FROM DISCLOSURE -- PERSONNEL RECORDS, PERSONAL INFORMATION, HEALTH RECORDS, PROFESSIONAL DISCIPLINE. The following records are exempt from disclosure:

(1) Except as provided in this subsection, all personnel records of a current or former public official other than the public official's public service or employment history, classification, pay grade and step, longevity, gross salary and salary history, status, workplace and employing agency. All other personnel information relating to a public employee or applicant including, but not limited to, information regarding sex, race, marital status, birth date, home address and telephone number, applications, testing and scoring materials, grievances, correspondence and performance evaluations, shall not be disclosed to the public without the employee's or applicant's written consent. Names of applicants to classified or merit system positions shall not be disclosed to the public without the applicant's written consent. Disclosure of names as part of a background check is permitted. Names of the five (5) final applicants to all other positions shall be available to the public. If such group is less than five (5) finalists, then the entire list of applicants shall be available to the public. A public official or authorized representative may inspect and copy his personnel records, except for material used to screen and test for employment.

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

(3) Information and records submitted to the Idaho state lottery for the performance of background investigations of employees, lottery retailers and major procurement contractors; audit records of lottery retailers, vendors and major procurement contractors submitted to or performed by the Idaho state lottery; validation and security tests of the state lottery for lottery games; business records and information submitted pursuant to sections 67-7412(8) and (9) and 67-7421(8) and (9), Idaho Code, and such documents and information obtained and held for the purposes of lottery security and investigative action as determined by lottery rules unless the public interest in disclosure substantially outweighs the private need for protection from public disclosure.

(4) Records of a personal nature as follows:

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

(b) Personal bank records compiled by a public depositor for the purpose of public funds transactions conducted pursuant to law;

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

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

- (e) Vital statistics records; and
- (f) Military records as described in and pursuant to section 65-301, Idaho Code.

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

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

(7) Employment security information, except that a person may agree, through written, informed consent, to waive the exemption so that a third party may obtain information pertaining to the person, unless access to the information by the person is restricted by subsection (3) (a), (3) (b) or (3) (d) of section 74-113, Idaho Code. Notwithstanding the provisions of section 74-113, Idaho Code, a person may not review identifying information concerning an informant who reported to the department of labor a suspected violation by the person of the employment security law, chapter 13, title 72, Idaho Code, under an assurance of confidentiality. As used in this section and in chapter 13, title 72, Idaho Code, "employment security information" means any information descriptive of an identifiable person or persons that is received by, recorded by, prepared by, furnished to or collected by the department of labor or the industrial commission in the administration of the employment security law.

(8) Any personal records, other than names, business addresses and business phone numbers, such as parentage, race, religion, sex, height, weight, tax identification and social security numbers, financial worth or medical condition submitted to any public agency or independent public body corporate and politic pursuant to a statutory requirement for licensing, certification, permit or bonding.

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

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

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

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

(13) Records of hospital care, medical records, including prescriptions, drug orders, records or any other prescription information that specifically identifies an individual patient, prescription records maintained by the board of pharmacy under sections 37-2726 and 37-2730A, Idaho Code, records of psychiatric care or treatment and professional counseling records relating to an individual's condition, diagnosis, care

or treatment, provided the provisions of this subsection making records exempt from disclosure shall not apply to the extent that such records or information contained in those records are necessary for a background check on an individual that is required by federal law regulating the sale of firearms, guns or ammunition.

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

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

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

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

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

(19) Records and information contained in the registry of immunizations against childhood diseases maintained in the department of health and welfare, including information disseminated to others from the registry by the department of health and welfare.

(20) Records of the Idaho housing and finance association (IHFA) relating to the following:

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

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

(c) Mortgage portfolio loan documents;

(d) Records of a current or former employee other than the employee's duration of employment with the association, position held and location of employment. This exemption from disclosure does not include the contracts of employment or any remuneration, including reimbursement of expenses, of the executive director, executive officers or commissioners of the association. All other personnel information relating to an association employee or applicant including, but not limited to, information regarding sex, race, marital status, birth date, home address and telephone number, applications, testing and scoring materials, grievances, correspondence, retirement plan information and performance evaluations, shall not be disclosed to the public without the employee's or applicant's written consent. An employee or authorized representative may inspect and copy that employee's personnel records, except for material used to screen and test for employment or material not subject to disclosure elsewhere in the Idaho public records act.

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

(22) Records of the Idaho state bar lawyer assistance program pursuant to chapter 49, title 54, Idaho Code, unless a participant in the program au-

thorizes the release pursuant to subsection (4) of section 54-4901, Idaho Code.

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

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

(25) The physical voter registration application on file in the county clerk's office; however, a redacted copy of said application shall be made available consistent with the requirements of this section. Information from the voter registration application maintained in the statewide voter registration database, including age, will be made available except for the voter's driver's license number, date of birth and, upon a showing that the voter comes within the provisions of subsection (30) of this section or upon showing of good cause by the voter to the county clerk in consultation with the county prosecuting attorney, the physical residence address of the voter. For the purposes of this subsection good cause shall include the protection of life and property and protection of victims of domestic violence and similar crimes.

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

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

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

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

(28) Except as otherwise provided by law relating to the release of information to a governmental entity or law enforcement agency, any personal information including, but not limited to, names, personal and business addresses and phone numbers, sex, height, weight, date of birth, social security and driver's license numbers, or any other identifying numbers and/or information related to any Idaho fish and game licenses, permits and tags unless written consent is obtained from the affected person.

(29) Documents and records related to alternatives to discipline that are maintained by the Idaho board of veterinary medicine under the provisions of section 54-2118(1)(b), Idaho Code, provided the requirements set forth therein are met.

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

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

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

(c) If requested by a financial institution or title company for business purposes, to the requesting financial institution or title company; or

(d) If the law enforcement officer provides written permission for disclosure of such information.

(31) All information exchanged between the Idaho transportation department and insurance companies, any database created, all information contained in the verification system and all reports, responses or other information generated for the purposes of the verification system, pursuant to section 49-1234, Idaho Code.

(32) Nothing in this section shall prohibit the release of information to the state controller as the state social security administrator as provided in section 59-1101A, Idaho Code.

(33) Personal information including, but not limited to, property values, personal and business addresses, phone numbers, dates of birth, social security and driver's license numbers or any other identifying numbers or information maintained by the administrator of the unclaimed property law set forth in chapter 5, title 14, Idaho Code. Nothing in this subsection shall prohibit the release of names, last known city of residence, property value ranges and general property information by the administrator for the purpose of reuniting unclaimed property with its owner.

(34) Any personal information collected by the secretary of state, pursuant to section 67-906(1)(b), Idaho Code, for the purpose of allowing individuals to access the statewide electronic filing system authorized in section 67-906, Idaho Code.

Approved March 24, 2017

CHAPTER 147
(H.B. No. 204)

AN ACT

RELATING TO PERSONAL DELIVERY DEVICES; AMENDING SECTION 49-117, IDAHO CODE, TO DEFINE "PERSONAL DELIVERY DEVICE" AND "PERSONAL DELIVERY DEVICE OPERATOR" AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 49-123, IDAHO CODE, TO PROVIDE THAT A PERSONAL DELIVERY DEVICE IS NOT A MOTOR VEHICLE; AMENDING SECTION 49-605, IDAHO CODE, TO PROVIDE APPLICATION OF DRIVING ON SIDEWALKS TO A PERSONAL DELIVERY DEVICE; AMENDING CHAPTER 23, TITLE 40, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 40-2305, IDAHO CODE, TO PROVIDE APPLICATION TO PERSONAL DELIVERY DEVICES; AND AMENDING SECTION 49-104, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE.

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

SECTION 1. That Section 49-117, Idaho Code, be, and the same is hereby amended to read as follows:

49-117. DEFINITIONS -- P. (1) "Park" or "parking" means the standing of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.

(2) "Park trailer." (See "Trailer," section 49-121, Idaho Code)

(3) "Part-time salesman" means any person employed as a vehicle salesman on behalf of a dealer less than thirty (30) hours per week.

(4) "Peace officer." (See section 19-5101(d), Idaho Code)

(5) "Pedestrian" means any person afoot and any person operating a wheelchair or a motorized wheelchair or an electric personal assistive mobility device.

(6) "Pedestrian path" means any path, sidewalk or way set-aside set aside and used exclusively by pedestrians.

(7) (a) "Person" means every natural person, firm, fiduciary, co-partnership, association, corporation, trustee, receiver or assignee for the benefit of creditors, political subdivision, state or federal governmental department, agency, or instrumentality, and, for the purposes of chapter 22, of this title 49, Idaho Code, shall include a private, common or contract carrier operating a vehicle on any highway of this state.

(b) "Person with a disability" means:

(i) A person who is unable to walk two hundred (200) feet or more unassisted by another person;

(ii) A person who is unable to walk two hundred (200) feet or more without the aid of a walker, cane, crutches, braces, prosthetic device or a wheelchair; or

(iii) A person who is unable to walk two hundred (200) feet or more without great difficulty or discomfort due to the following impairments: neurological, orthopedic, respiratory, cardiac, arthritic disorder, blindness, or the loss of function or absence of a limb.

(iv) For the purposes of chapters 3 and 4, of this title 49, Idaho Code, a person with a permanent disability is one whose physician certifies that the person qualifies as a person with a disability pursuant to this subsection (7) (b), paragraph and further certifies that there is no expectation for a fundamental or marked change in the person's condition at any time in the future.

(8) "Personal delivery device" means an electrically powered device that is operated on sidewalks and crosswalks and is intended primarily to transport property; weighs less than eighty (80) pounds, excluding cargo; has a maximum speed of ten (10) miles per hour; and is equipped with technology to allow for operation of the device with or without the active control or monitoring of a natural person. A personal delivery device shall not be defined as a vehicle or motor vehicle in any section of the law, unless expressly so stated.

(9) "Personal delivery device operator" means an entity or its agent that exercises direct physical control or monitoring over the navigation system and operation of a personal delivery device. For the purposes of this subsection, the term "agent" means a person charged by the entity with the responsibility of navigating and operating the personal delivery device. The term "personal delivery device operator" does not include an entity or person who requests the services of a personal delivery device for the purpose of transporting property or an entity, nor does it include a person who merely arranges for and dispatches the requested services of a personal delivery device.

(10) "Personal information" means information that identifies an individual, including an individual's photograph or computerized image, social security number, driver identification number, name, address, telephone number, and medical or disability information, but does not include information on vehicular accidents, driving or equipment-related violations, the five-digit zip code of the person's address, or status of the driver's license or motor vehicle registration.

(911) "Pneumatic tire." (See "Tires," section 49-121, Idaho Code)

(102) "Pole trailer." (See "Trailer," section 49-121, Idaho Code)

(113) "Possessory lien" means a lien dependent upon possession for compensation to which a person is legally entitled for making repairs or performing labor upon, and furnishing supplies or materials for, and for the towing, storage, repair, or safekeeping of, any vehicle of a type subject to registration.

(124) "Possessory lienholder" means any person claiming a lien, that which lien claimed to have accrued on a basis of services rendered to the vehicle which that is the subject of the lien.

(135) "Preceding year" means, for the purposes of section 49-435, Idaho Code, a period of twelve (12) consecutive months fixed by the department, prior to July 1 of the year immediately preceding the commencement of the registration or license year for which proportional registration is sought. The department in fixing the period shall make it conform to the terms, conditions and requirements of any applicable agreement or arrangement for the proportional registration of vehicles.

(146) "Pressure regulator valve" means a device or system which that governs the load distribution and controls the weight borne by a variable load suspension axle in accordance with a predetermined valve setting.

(157) "Principal place of business" means an enclosed commercial structure located within the state, easily accessible and open to the public at all reasonable times, with an improved display area large enough to display five (5) or more vehicles of the type the dealer is licensed to sell, immediately adjoining the building, and at which the business of a dealership, including the display and repair of vehicles, may be lawfully carried on in accordance with the terms of all applicable building codes, zoning and other land-use regulatory ordinances, and in which building the public shall be able to contact the dealer or his salesmen in person or by telephone at all reasonable times. The books, records and files necessary to conduct the business of the dealership must be kept or reproduced electronically at the dealership's licensed location(s). A dealership keeping its physical books, records and files at an off-site location must notify the department in writing of such location at least thirty (30) days in advance of moving such books, records and files ~~off-site~~ off site. Physical books, records and files must be made available to the department upon request within three (3) business days of such request. The principal place of business shall display an exterior sign permanently affixed to the land or building, with letters clearly visible to the major avenue of traffic. In no event shall a room or rooms in a hotel, rooming house, or apartment house building or a part of any single or multiple unit dwelling house be considered a "principal place of business" within the terms and provisions of this title unless the entire ground floor of that hotel, apartment house, or rooming house building or dwelling house be devoted principally to and occupied for commercial purposes, and the office or offices of the dealer be located on the ground floor.

(168) "Private property open to the public" means real property not owned by the federal government or the state of Idaho or any of its political subdivisions, but is available for vehicular traffic or parking by the general public with the permission of the owner or agent of the real property.

(179) "Private road" means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

~~(1820)~~ "Proof of financial responsibility" means proof of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of the proof, arising out of the ownership, maintenance or use of a motor vehicle, in the amount of twenty-five thousand dollars (\$25,000) because of bodily injury to or death of one (1) person in any one (1) accident, and, subject to the limit for one (1) person, in the amount of fifty thousand dollars (\$50,000) because of bodily injury to or death of two (2) or more persons in any one (1) accident, and in the amount of fifteen thousand dollars (\$15,000) because of injury to or destruction of property of others in any one (1) accident.

~~(1921)~~ "Proper authority" means a public highway agency.

(202) "Public highway agency" means the state transportation department, any city, county, highway district or any other state agency which that has jurisdiction over public highway systems and public rights-of-way.

(213) "Public right-of-way" means a right-of-way open to the public and under the jurisdiction of a public highway agency, where the public highway

agency has no obligation to construct or maintain said right-of-way for vehicular traffic.

(224) "Public road jurisdiction" means a public highway agency.

(235) "Purchase." (See "Sell," "sold," and "buy," section 49-120, Idaho Code)

SECTION 2. That Section 49-123, Idaho Code, be, and the same is hereby amended to read as follows:

49-123. DEFINITIONS -- V. (1) "Variable load suspension axle" means an axle or axles designed to support a part of the vehicle and load and which can be regulated to vary the amount of load supported by such an axle or axles and which can be deployed or lifted by the operator of the vehicle. (See also section 49-117, Idaho Code)

(a) "Fully raised" means that the variable load suspension axle is in an elevated position preventing the tires on such axle from having any contact with the roadway.

(b) "Fully deployed" means that the variable load suspension axle is supporting a portion of the weight of the loaded vehicle as controlled by the preset pressure regulator valve.

(2) "Vehicle" means:

(a) General. Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks.

(b) Assembled vehicle or vessel. A vehicle or vessel, not including a salvage vehicle or vessel, that has been constructed using major component parts from two (2) or more vehicles or vessels or that has been repaired using new factory major component parts so that the resulting vehicle or vessel has the same appearance as a vehicle or vessel that was manufactured under a specific make and model by a manufacturer. A vehicle or vessel utilizing a kit for the entire body or a glider kit vehicle is not an assembled vehicle.

(c) Authorized emergency vehicle. Vehicles operated by any fire department or law enforcement agency of the state of Idaho or any political subdivision of the state, ambulances, vehicles belonging to personnel of voluntary fire departments while in performance of official duties only, vehicles belonging to, or operated by EMS personnel certified or otherwise recognized by the EMS bureau of the Idaho department of health and welfare while in the performance of emergency medical services, sheriff's search and rescue vehicles which that are under the immediate supervision of the county sheriff, wreckers which that are engaged in motor vehicle recovery operations and are blocking part or all of one (1) or more lanes of traffic, other emergency vehicles designated by the director of the Idaho state police or vehicles authorized by the Idaho transportation board and used in the enforcement of laws specified in section 40-510, Idaho Code, pertaining to vehicles of ten thousand (10,000) pounds or greater.

(d) Commercial vehicle or commercial motor vehicle. For the purposes of chapters 3 and 9 of this title, driver's licenses and vehicle equipment, a motor vehicle or combination of motor vehicles designed or used to transport passengers or property if the motor vehicle:

(i) Has a manufacturer's gross combination weight rating (GCWR) in excess of twenty-six thousand (26,000) pounds inclusive of a towed unit with a manufacturer's gross vehicle weight rating (GVWR) of more than ten thousand (10,000) pounds; or

(ii) Has a manufacturer's gross vehicle weight rating (GVWR) in excess of twenty-six thousand (26,000) pounds; or

(iii) Is designed to transport sixteen (16) or more people, including the driver; or

(iv) Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the hazardous material transportation act and which require the motor vehicle to be placarded under the hazardous materials regulations (49 CFR part 172, subpart F).

For the purposes of chapter 4, title 49, Idaho Code, motor vehicle registration, a vehicle or combination of vehicles of a type used or maintained for the transportation of persons for hire, compensation or profit, or the transportation of property for the owner of the vehicle, or for hire, compensation, or profit, and shall include fixed load specially constructed vehicles exceeding the limits imposed by chapter 10, title 49, Idaho Code, and including drilling rigs, construction, drilling and wrecker cranes, log jammers, log loaders, and similar vehicles which are normally operated in an overweight or oversize condition or both, but shall not include those vehicles registered pursuant to sections 49-402 and 49-402A, Idaho Code, or exempted by section 49-426, Idaho Code. A motor vehicle used in a ridesharing arrangement that has a seating capacity for not more than fifteen (15) persons, including the driver, shall not be a "commercial vehicle" under the provisions of this title relating to equipment requirements, rules of the road, or registration.

(e) Farm vehicle. A vehicle or combination of vehicles owned by a farmer or rancher, or by their designated agent, which are operated over public highways, and used exclusively to transport unprocessed agricultural products raised, owned or grown by the owner of the vehicle to market or place of storage; and shall include the transportation by the farmer or rancher of any equipment, supplies or products purchased by that farmer or rancher for his own use, and used in the farming or ranching operation or used by a farmer partly in transporting agricultural products or livestock from the farm of another farmer that were originally grown or raised on the farm, or when used partly in transporting agricultural supplies, equipment, materials or livestock to the farm of another farmer for use or consumption on the farm but not transported for hire, and shall not include vehicles of husbandry or vehicles registered pursuant to sections 49-402 and 49-402A, Idaho Code.

(f) Foreign vehicle. Every vehicle of a type required to be registered under the provisions of this title brought into this state from another state, territory or country other than in the ordinary course of business by or through a manufacturer or dealer and not registered in this state.

(g) Glider kit vehicle. Every large truck manufactured from a kit manufactured by a manufacturer of large trucks which consists of a frame, cab complete with wiring, instruments, fenders and hood and front axles and wheels. The "glider kit" is made into a complete assembly by the addition of the engine, transmission, rear axles, wheels and tires.

(h) Motor vehicle. Every vehicle which is self-propelled, and for the purpose of titling and registration meets federal motor vehicle safety standards as defined in section 49-107, Idaho Code. Motor vehicle does not include vehicles moved solely by human power, electric personal assistive mobility devices, personal delivery devices, and motorized wheelchairs or other such vehicles that are specifically exempt from titling or registration requirements under title 49, Idaho Code.

(i) Multipurpose passenger vehicle (MPV). For the purposes of section 49-966, Idaho Code, a motor vehicle designed to carry ten (10) or fewer persons which is constructed either on a truck chassis or with special features for occasional off-road operation.

(j) Neighborhood electric vehicle (NEV). A self-propelled, electrically powered, four-wheeled motor vehicle which is emission free and

conforms to the definition and requirements for low-speed vehicles as adopted in the federal motor vehicle safety standards for low-speed vehicles under federal regulations at 49 CFR part 571. An NEV shall be titled, registered and insured according to law as provided respectively in chapters 4, 5 and 12, title 49, Idaho Code, and shall only be operated by a licensed driver. Operation of an NEV on a highway shall be allowed as provided in section 49-663, Idaho Code.

(k) Noncommercial vehicle. For the purposes of chapter 4, title 49, Idaho Code, motor vehicle registration, a noncommercial vehicle shall not include those vehicles required to be registered under sections 49-402 and 49-402A, Idaho Code, and means all other vehicles or combinations of vehicles which are not commercial vehicles or farm vehicles, but shall include motor homes. A noncommercial vehicle shall include those vehicles having a combined gross weight not in excess of sixty thousand (60,000) pounds and not held out for hire, used for purposes related to private use and not used in the furtherance of a business or occupation for compensation or profit or for transporting goods for other than the owner.

(l) Passenger car. For the purposes of section 49-966, Idaho Code, a motor vehicle, except a multipurpose passenger vehicle, motorcycle or trailer, designed to carry ten (10) or fewer persons.

(m) Rebuilt salvage vehicle or vessel. Every vehicle or vessel previously determined or declared to be a salvage vehicle that has been rebuilt or repaired using like make and model parts and visually appears as a vehicle or vessel that was originally constructed under a distinctive manufacturer. This includes a salvage vehicle or vessel which is damaged to the extent that a "rebuilt salvage" brand is required to be added to the title.

(n) Replica vehicle or vessel. A vehicle or vessel made to replicate any vehicle or vessel previously manufactured, using metal, fiberglass or other composite materials. Replica vehicles must look like the original vehicle being replicated but may use a more modern drive train. At a minimum, replica vehicles shall meet the same federal motor vehicle safety and emission standards in effect for the year and type of vehicle being replicated.

(o) Salvage vehicle or vessel. Any vehicle or vessel for which a salvage certificate of title, salvage bill of sale or other documentation has been issued showing evidence that the vehicle or vessel has been declared salvage or which has been damaged to the extent that the owner, or an insurer, or other person acting on behalf of the owner, determines that the cost of parts and labor minus the salvage value makes it uneconomical to repair or rebuild. When an insurance company has paid money or has made other monetary settlement as compensation for a total loss of any vehicle or vessel, such vehicle shall be considered to be a salvage vehicle or vessel.

(p) Specially constructed vehicle or vessel. Every vehicle or vessel of a type required to be registered not originally constructed under a distinctive name, make, model or type by a generally recognized manufacturer of vehicles or vessels and not materially altered from its original construction and cannot be visually identified as a vehicle or vessel produced by a particular manufacturer. This includes:

(i) A vehicle or vessel that has been structurally modified so that it does not have the same appearance as a similar vehicle or vessel from the same manufacturer; or

(ii) A vehicle or vessel that has been constructed entirely from homemade parts and materials not obtained from other vehicles or vessels; or

(iii) A vehicle or vessel that has been constructed by using major component parts from one (1) or more manufactured vehicles or vessels and cannot be identified as a specific make or model; or
(iv) A vehicle or vessel constructed by the use of a custom kit that cannot be visually identified as a specific make or model. All specially constructed vehicles of a type required to be registered shall be certified by the owner to meet all applicable federal motor vehicle safety standards in effect at the time construction is completed, and all requirements of chapter 9, title 49, Idaho Code.

(q) Specialty off-highway vehicle. A specialty off-highway vehicle as defined in section 67-7101, Idaho Code.

(r) Tank vehicle.

(i) Any commercial motor vehicle transporting, or designed to transport, any liquid or gaseous materials within:

1. A tank that is either permanently or temporarily attached or secured to the vehicle or chassis and has a rated capacity of one thousand (1,000) gallons or more; or
2. Multiple tanks either permanently or temporarily attached or secured, when the aggregate rated capacity of those tanks is one thousand (1,000) gallons or more, as determined by adding the capacity of each individual tank with a capacity of more than one hundred nineteen (119) gallons.

(ii) If a commercial motor vehicle transports one (1) or more tanks that are manifested either as empty or as residue and that are actually empty or contain only residue, those tanks shall not be considered in determining whether the vehicle is a tank vehicle.

(s) Total loss vehicle. Every vehicle that is deemed to be uneconomical to repair. A total loss shall occur when an insurance company or any other person pays or makes other monetary settlement to the owner when it is deemed to be uneconomical to repair the damaged vehicle. The compensation for total loss as defined herein shall not include payments by an insurer or other person for medical care, bodily injury, vehicle rental or for anything other than the amount paid for the actual damage to the vehicle.

(3) "Vehicle identification number." (See "identifying number," section 49-110, Idaho Code)

(4) "Vehicle salesman" means any person who, for a salary, commission or compensation of any kind, is employed either directly or indirectly, or regularly or occasionally by any dealer to sell, purchase or exchange, or to negotiate for the sale, purchase or exchange of vehicles. (See also "full-time salesman," section 49-107, Idaho Code, and "part-time salesman," section 49-117, Idaho Code)

(5) "Vessel." (See section 67-7003, Idaho Code)

(6) "Veteran." (See section 65-502, Idaho Code)

(7) "Violation" means a conviction of a misdemeanor charge involving a moving traffic violation, or an admission or judicial determination of the commission of an infraction involving a moving traffic infraction, except bicycle infractions.

SECTION 3. That Section 49-605, Idaho Code, be, and the same is hereby amended to read as follows:

49-605. DRIVING UPON SIDEWALK. No person shall drive any vehicle upon a sidewalk or sidewalk area except upon a permanent or temporary driveway. This section shall not apply to any vehicle moved exclusively by human power, a personal delivery device, an electric personal assistive mobility device, nor to any motorized wheelchair. For the purposes of assuring the safety of

pedestrians and others using sidewalks, a political subdivision having jurisdiction over sidewalks may, by ordinance or by traffic control device, regulate the time, place and manner of the operation of electric personal assistive mobility devices.

SECTION 4. That Chapter 23, Title 40, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 40-2305, Idaho Code, and to read as follows:

40-2305. PERSONAL DELIVERY DEVICES. (1) Notwithstanding any provision of law to the contrary, a personal delivery device as defined in section 49-117, Idaho Code, is authorized to operate on sidewalks and crosswalks; provided, however, that this section does not restrict a county, municipality or highway district from otherwise adopting regulations for the safe operation of personal delivery devices.

(2) All personal delivery devices shall obey all traffic and pedestrian control devices and signs.

(3) A personal delivery device operating on sidewalks and crosswalks has all the rights and duties applicable to a pedestrian under the same circumstances, except that the personal delivery device shall not unreasonably interfere with pedestrians or traffic, and shall yield the right-of-way to pedestrians on sidewalks and crosswalks.

(4) All personal delivery devices shall include a plate or marker that identifies the name and contact information of the operator of the personal delivery device and a unique identifying device number.

(5) All personal delivery devices shall be equipped with a braking system that, when active or engaged, will enable the personal delivery device to come to a controlled stop.

(6) No personal delivery device shall transport hazardous materials or hazardous wastes regulated pursuant to chapter 22, title 49, Idaho Code.

(7) No personal delivery device shall be operated on a public highway in the state, except to the extent necessary to cross a crosswalk.

(8) No personal delivery device shall operate on a sidewalk or crosswalk unless the personal delivery device operator is actively controlling or monitoring the navigation and operation of the personal delivery device.

SECTION 5. That Section 49-104, Idaho Code, be, and the same is hereby amended to read as follows:

49-104. DEFINITIONS -- C. (1) "Cancellation of driver's license" means the annulment or termination by formal action of the department of a person's driver's license because of some error or defect in the driver's license or because the licensee is no longer entitled to the driver's license. The cancellation of a driver's license is without prejudice and after compliance with requirements, the individual may apply for a new driver's license at any time after cancellation.

(2) "Caravaning" means the transportation of any motor vehicle into, out of, or within the state operating on its own wheels or in tow for the purpose of sale or offer of sale by any agent, dealer, manufacturer's representative, purchaser, or prospective purchaser, regardless of residence unless the motor vehicle is licensed by the state of Idaho, or is owned by an automobile dealer, duly licensed as a dealer by this state. It shall also be considered as the transportation of property for hire by a motor vehicle upon the highways of this state.

(3) "Certificate of liability insurance" means a certificate of liability insurance issued by an insurance company authorized to do business in this state or a certificate of liability insurance issued by the department of insurance which demonstrates current insurance against loss resulting from liability imposed by law for bodily injury or death or damage to

property suffered by any person caused by accident and arising out of the operation, maintenance or use of a motor vehicle described in the certificate in an amount not less than that required by section 49-117(~~1820~~), Idaho Code, and also demonstrates the current existence of any other coverage required by title 41, Idaho Code, or a certificate of self-insurance issued pursuant to law for each motor vehicle to be registered. A certificate of liability insurance shall contain the information required by the department of insurance, including the name and address of the owner of the motor vehicle and a description of the motor vehicle including identification number if there is one, or a statement that all vehicles owned by a person or entity are covered by insurance, the inception date of coverage, and the name of the insurer. "Certificate of liability insurance" may also include the original contract of liability insurance or a true copy, demonstrating the current existence of the liability insurance described in this subsection.

(4) "Certification of safety compliance" means that a motor carrier certifies as part of its registration process that it has knowledge of the federal regulations and rules promulgated by the Idaho transportation department and the Idaho state police applicable to motor carriers.

(5) "Chains" means metal traction devices required pursuant to section 49-948, Idaho Code, which consist of two (2) circular metal loops, one (1) on each side of the tire, connected by not less than nine (9) evenly spaced chains across the tire tread.

(6) "Coerce" means to compel or attempt to compel by threat or use of force.

(7) "Commercial coach." (See section 39-4301, Idaho Code)

(8) "Commercial driver's license" means any class A, class B or class C driver's license as defined in section 49-105, Idaho Code.

(9) "Commercial driver license information system (CDLIS)" is the information system established to serve as a clearinghouse for locating information related to the licensing and identification of motor vehicle drivers.

(10) "Commercial driver training school" means a business enterprise conducted by an individual, association, partnership, or corporation, for the education and training of persons, either practically or theoretically, or both, to operate or drive motor vehicles, and charging a consideration or tuition for such services.

(11) "Commercial learner's permit" means a permit issued to an individual by a state or other jurisdiction of domicile, in accordance with the standards contained in 49 CFR 383.5, that when carried with a valid driver's license issued by the same state or jurisdiction, authorizes the individual to operate a commercial vehicle when accompanied by a holder of a valid commercial driver's license (CDL) for purposes of behind-the-wheel training.

(12) "Commercial vehicle" or "commercial motor vehicle." (See "Vehicle," section 49-123, Idaho Code)

(13) "Compliance review" means an on-site examination of motor carrier operations, which may be at the carrier's place of business, including driver's hours of service, vehicle maintenance and inspection, driver qualifications, commercial driver's license requirements, financial responsibility, accidents, hazardous materials, and such other related safety and transportation records to determine safety fitness.

(14) "Controlled substance" means any substance so classified under section 102(6) of the controlled substances act, 21 U.S.C. 802(6), and includes all substances listed on schedules I through V, of 21, CFR part 1308, as they may be revised from time to time.

(15) "Conviction" means:

(a) The person has pled guilty or has been found guilty, notwithstanding the form of the judgment or withheld judgment. A conviction for purposes of this title shall also include an infraction judgment.

(b) For purposes of disqualification or withdrawal of commercial vehicle driving privileges only, "conviction" means an unvacated adjudication of guilt, or determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended or probated.

(16) "Crosswalk" means:

(a) That part of a highway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or in the absence of curbs, from the edges of the traversable highway; and in the absence of a sidewalk on one side of the highway, that part of a highway included within the extension of the lateral lines of the existing sidewalk at right angles to the centerline.

(b) Any portion of a highway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

Approved March 24, 2017

CHAPTER 148
(H.B. No. 207)

AN ACT

RELATING TO LIMITATION ON BUDGET REQUESTS FROM PROPERTY TAXES; AMENDING SECTION 63-802, IDAHO CODE, TO PROVIDE A PROCEDURE WHERE TAXING DISTRICTS MAY DISCLAIM THE RIGHT TO RECOVER ALL OR ANY PORTION OF A FORGONE BALANCE AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 63-802, Idaho Code, be, and the same is hereby amended to read as follows:

63-802. LIMITATION ON BUDGET REQUESTS -- LIMITATION ON TAX CHARGES -- EXCEPTIONS. (1) Except as provided in subsections (3) and (4) of this section, no taxing district shall certify a budget request for an amount of property tax revenues to finance an annual budget that exceeds the greater of paragraphs (a) through (j) of this subsection inclusive:

(a) The dollar amount of property taxes certified for its annual budget for any one (1) of the three (3) tax years preceding the current tax year, whichever is greater, for the past tax year, which amount may be increased by a growth factor of not to exceed three percent (3%) plus the amount of revenue calculated as described in this subsection. Multiply the levy of the previous year, not including any levy described in subsection (4) of this section, or any school district levy reduction resulting from a distribution of state funds pursuant to section 63-3638(11) or (13), Idaho Code, by the value shown on the new construction roll compiled pursuant to section 63-301A, Idaho Code; and by the value of annexation during the previous calendar year, as certified by the state tax commission for market values of operating property of public utilities and by the county assessor;

(b) The dollar amount of property taxes certified for its annual budget during the last year in which a levy was made;

(c) The dollar amount of the actual budget request, if the taxing district is newly created, except as may be provided in subsection (1) paragraph (h) of this subsection;

(d) In the case of school districts, the restriction imposed in section 33-802, Idaho Code;

(e) In the case of a nonschool district for which less than the maximum allowable increase in the dollar amount of property taxes is certified for annual budget purposes in any one (1) year, such a district may, in any following year, recover the forgone increase by certifying, in addition to any increase otherwise allowed, an amount not to exceed one hundred percent (100%) of the increase originally forgone. Provided however, that prior to budgeting any forgone increase, the district must provide notice of its intent to do so, hold a public hearing, which may be in conjunction with its annual budget hearing, and certify by resolution the amount of forgone increase to be budgeted and the specific purpose for which the forgone increase is being budgeted. Upon adoption of the resolution, the clerk of the district shall file a copy of the resolution with the county clerk and the state tax commission. Said additional amount shall be included in future calculations for increases as allowed;

(f) If a taxing district elects to budget less than the maximum allowable increase in the dollar amount of property taxes, the taxing district may disclaim the right to recover all or any portion of that year's forgone increase by adoption of a resolution declaring the same. The district must provide notice of its intent to do so, hold a public hearing, which may be in conjunction with its annual budget hearing if applicable. The resolution to disclaim the right to recover the forgone increase for that year shall be adopted at the annual budget hearing of the taxing district if the district has a budget hearing requirement; provided however, that the resolution shall not apply to forgone increases from prior budget years.

(g) In the case of cities, if the immediately preceding year's levy subject to the limitation provided by this section, is less than 0.004, the city may increase its budget by an amount not to exceed the difference between 0.004 and actual prior year's levy multiplied by the prior year's market value for assessment purposes. The additional amount must be approved by sixty percent (60%) of the voters voting on the question at an election called for that purpose and held on the date in May or November provided by law, and may be included in the annual budget of the city for purposes of this section;

(gh) A taxing district may submit to the electors within the district the question of whether the budget from property tax revenues may be increased beyond the amount authorized in this section, but not beyond the levy authorized by statute. The additional amount must be approved by sixty-six and two-thirds percent (66 2/3%) or more of the voters voting on the question at an election called for that purpose and held on the May or November dates provided by section 34-106, Idaho Code. If approved by the required minimum sixty-six and two-thirds percent (66 2/3%) of the voters voting at the election, the new budget amount shall be the base budget for the purposes of this section;

(hi) When a nonschool district consolidates with another nonschool district or dissolves and a new district performing similar governmental functions as the dissolved district forms with the same boundaries within three (3) years, the maximum amount of a budget of the district from property tax revenues shall not be greater than the sum of the amounts that would have been authorized by this section for the district itself or for the districts that were consolidated or dissolved and incorporated into a new district;

(ij) In the instance or case of cooperative service agencies, the restrictions imposed in sections 33-315 through 33-318, Idaho Code;

(jk) The amount of money received in the twelve (12) months immediately preceding June 30 of the current tax year as a result of distributions of the tax provided in section 63-3502B(2), Idaho Code.

(2) In the case of fire districts, during the year immediately following the election of a public utility or public utilities to consent to be provided fire protection pursuant to section 31-1425, Idaho Code, the maximum amount of property tax revenues permitted in subsection (1) of this section may be increased by an amount equal to the current year's taxable value of the consenting public utility or public utilities multiplied by that portion of the prior year's levy subject to the limitation provided by subsection (1) of this section.

(3) No board of county commissioners shall set a levy, nor shall the state tax commission approve a levy for annual budget purposes, which exceeds the limitation imposed in subsection (1) of this section unless authority to exceed such limitation has been approved by a majority of the taxing district's electors voting on the question at an election called for that purpose and held pursuant to section 34-106, Idaho Code, provided however, that such voter approval shall be for a period of not to exceed two (2) years.

(4) The amount of property tax revenues to finance an annual budget does not include revenues from nonproperty tax sources, and does not include revenue from levies that are voter-approved for bonds, override levies or supplemental levies, plant facilities reserve fund levies, school emergency fund levies or for levies applicable to newly annexed property or for levies applicable to new construction as evidenced by the value of property subject to the occupancy tax pursuant to section 63-317, Idaho Code, for the preceding tax year.

Approved March 24, 2017

CHAPTER 149
(H.B. No. 215)

AN ACT

RELATING TO THE IDAHO REIMBURSEMENT INCENTIVE ACT; AMENDING SECTION 67-4738, IDAHO CODE, TO REVISE A DEFINITION; AND AMENDING SECTION 67-4740, IDAHO CODE, TO REQUIRE THAT A REIMBURSEMENT INCENTIVE CONTRACT SHALL PROHIBIT THE REIMBURSEMENT OF A TAX THAT HAS BEEN OR WILL BE REIMBURSED BY THE FEDERAL GOVERNMENT.

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

SECTION 1. That Section 67-4738, Idaho Code, be, and the same is hereby amended to read as follows:

67-4738. DEFINITIONS. As used in sections 67-4737 through 67-4744, Idaho Code:

(1) "Applicant" means a business entity that intends to create new jobs and submits an application for reimbursement to the department in accordance with this act.

(2) "Application" means a form approved by the director of the department containing all information required by the provisions of this act.

(3) "Approved percentage" means the amount of new state revenue the applicant is entitled to receive in the form of a tax credit over the term of the project. The approved percentage shall not exceed thirty percent (30%) of the new state revenue over the term of the project subject to the criteria as established by rules.

(4) "Business entity" means a single business, a separate division, branch or identifiable segment, or a group of businesses related through ownership pursuant to section 267 of the Internal Revenue Code. For the purpose of this subsection, a "separate division, branch, or identifiable segment" shall be deemed to exist if, prior to the date of application, the income and expense attributable to such "separate division, branch, or identifiable segment" could be separately ascertained from the books of accounts and records.

(5) "Community match" means a commitment by the local government that demonstrates its active support of the applicant creating new jobs in its jurisdiction. Such match may include, but shall not be limited to, a contribution of money, fee waivers, in-kind services, the provision of infrastructure or a combination thereof. Such match shall also include a letter of commitment by the governing elected officials of the jurisdiction detailing the local government's support that shall be included as part of an application.

(6) "Council" means the economic advisory council created pursuant to chapter 47, title 67, Idaho Code.

(7) "Department" means the Idaho department of commerce.

(8) "Director" means the director of the Idaho department of commerce.

(9) "Full-time job" means a job in which an individual is employed by the applicant and performs such duties at least thirty (30) hours per week.

(10) "Meaningful project" means an expansion of an existing business located in Idaho or the creation of new business operations in Idaho that generate the minimum required new jobs and otherwise qualify under the provisions of this act.

(11) "Minimum new jobs" means new jobs created by the applicant that shall be not less than twenty (20) such jobs over the term of the project if created within a rural community, or not less than fifty (50) such jobs over the term of the project if created within an urban community. An applicant will not be eligible for tax credit during the term of the project until the minimum new jobs have been added.

(12) "New jobs" means new jobs created in Idaho in accordance with this act that are nonseasonal, full-time jobs that collectively pay an average annual wage that equals or exceeds the average annual county wage of the county with jurisdiction over the local government providing the applicant's community match. For purposes of this act, a job that shifts from one (1) location within the state of Idaho to another location shall not be considered a new job. New jobs must exceed the applicant's maximum number of full-time jobs in Idaho during the twelve (12) months immediately preceding the date of application.

(13) "New state revenue" means the Idaho portion of state corporate income tax or franchise tax, personal income tax and sales and use tax that is paid by the applicant in excess of those taxes paid at the date of application and is attributable only to the new growth upon which the application is based. New state revenue does not include taxes paid during the term that is attributable to those operations that existed prior to the application and does not include taxes that are reimbursable by the federal government or any subdivision thereof. New state revenue shall include:

(a) Incremental new state sales and use tax revenues as governed by chapter 36, title 63, Idaho Code, that have been paid by the applicant on their own purchases as a result of a meaningful project;

(b) Incremental new state income tax or franchise tax, including income or franchise tax generated by corporations, pass-through entities, as defined in section 63-3006C, Idaho Code, or proprietorships, pursuant to chapter 30, title 63, Idaho Code, that have been paid by an applicant as a result of a meaningful project;

(c) Incremental new state personal income taxes, as governed by chapter 30, title 63, Idaho Code, withheld on behalf of the applicant's employees, resulting from new jobs in a meaningful project, as evidenced

by payroll withholding records indicating the amount of employee income taxes withheld and transmitted to the tax commission. Incremental new state personal income taxes shall not exceed the maximum allowable percentage of gross wages paid during a corresponding period that shall be the lesser of seven percent (7%) or the highest incremental state income tax rate.

(14) "Rural community" means, at the time of application, a city with a population of less than twenty-five thousand (25,000) persons or an unincorporated area within a county.

(15) "Tax commission" means the Idaho state tax commission.

(16) "Tax credit" means a refundable tax credit authorized by the director of the department. The tax commission shall make a refund to an applicant that is granted a tax credit under this section if the amount of the tax credit exceeds the applicant's tax liability for a taxable year. The credit may be used as a credit against the income or franchise tax contained in chapter 30, title 63, Idaho Code.

(17) "Tax credit amount" means the amount the department authorizes as a tax credit for a taxable year.

(18) "Term of project" or "term" means the number of years an applicant is authorized to receive a tax credit under this act that shall not exceed fifteen (15) years subject to the criteria as established by rules.

(19) "Urban community" means, at the time of application, a city with a population of at least twenty-five thousand (25,000), provided however, that a city of less than twenty-five thousand (25,000) that is adjoining an urban community shall be considered urban.

SECTION 2. That Section 67-4740, Idaho Code, be, and the same is hereby amended to read as follows:

67-4740. AGREEMENT WITH APPLICANT. With instruction from the council, and in accordance with criteria as established by rules, the director of the department shall enter into a reimbursement incentive agreement with the applicant, provided the agreement defines the following in addition to the terms as approved by the council:

(a) The term of the agreement, which in no case shall exceed fifteen (15) years;

(b) The projected new state revenues to be generated during the term of the project;

(c) The method and recordkeeping requirements to be used by the applicant to determine the new state revenue paid by the applicant. The approved tax credit percentage applied to new state revenue each year the applicant is entitled to receive the reimbursement during the term of the project;

(d) The projected new jobs;

(e) The terms and conditions of any and all requirements and measurements that must be met prior to the issuance of a tax credit authorization;

(f) The agreed-upon and necessary proof of compliance required prior to tax credit issuance. Proof of compliance provided by the applicant must be adequate to demonstrate to the director that all requirements and measurements have been met for the applicant to receive the tax credit;

(g) The consequences of default by the applicant;

(h) The period to be used to determine the taxes paid at the date of application; and

(i) Identification of the individual or entity that is or will be claiming the refundable credit.

(j) The agreement with the applicant shall specify that no credit will be allowed for taxes that have been or will be reimbursed by the federal government or any subdivision thereof.

CHAPTER 150
(H.B. No. 219)

AN ACT

APPROPRIATING MONEYS TO THE OFFICE OF DRUG POLICY FOR FISCAL YEAR 2018; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; APPROPRIATING ADDITIONAL MONEYS TO THE OFFICE OF DRUG POLICY FOR FISCAL YEAR 2017; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Office of Drug Policy, the following amounts to be expended for the designated expense classes, from the listed funds for the period July 1, 2017, through June 30, 2018:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:				
General				
Fund	\$267,200	\$54,700		\$321,900
Miscellaneous Revenue				
Fund		24,500		24,500
Federal Grant				
Fund	<u>260,300</u>	<u>365,000</u>	<u>\$3,712,000</u>	<u>4,337,300</u>
TOTAL	\$527,500	\$444,200	\$3,712,000	\$4,683,700

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Office of Drug Policy is authorized no more than six (6) full-time equivalent positions at any point during the period July 1, 2017, through June 30, 2018, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. In addition to the appropriation made in Section 1, Chapter 234, Laws of 2016, and any other appropriation provided for by law, there is hereby appropriated \$21,000 from the Miscellaneous Revenue Fund to the Office of Drug Policy, to be expended for operating expenditures, for the period July 1, 2016, through June 30, 2017.

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.

Approved March 24, 2017

CHAPTER 151
(H.B. No. 224)

AN ACT

APPROPRIATING MONEYS TO THE COMMISSION ON THE ARTS FOR FISCAL YEAR 2018; AND
LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the Commission on the Arts, the following amounts to be expended for the designated expense classes, from the listed funds for the period July 1, 2017, through June 30, 2018:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:				
General				
Fund	\$348,300	\$187,500	\$274,700	\$810,500
Miscellaneous Revenue				
Fund		89,800	16,500	106,300
Federal Grant				
Fund	<u>401,000</u>	<u>219,000</u>	<u>450,200</u>	<u>1,070,200</u>
TOTAL	\$749,300	\$496,300	\$741,400	\$1,987,000

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Commission on the Arts is authorized no more than ten (10) full-time equivalent positions at any point during the period July 1, 2017, through June 30, 2018, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved March 24, 2017

CHAPTER 152
(H.B. No. 225)

AN ACT

APPROPRIATING MONEYS TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO FOR
FISCAL YEAR 2018; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVA-
LENT POSITIONS; AND PROVIDING LEGISLATIVE INTENT.

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

SECTION 1. There is hereby appropriated to the Public Employee Retirement System of Idaho, the following amounts to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2017, through June 30, 2018:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. RETIREMENT ADMINISTRATION:				
FROM:				
PERSI Administrative				
Fund	\$4,169,600	\$2,527,300	\$168,500	\$6,865,400
Judges' Retirement				
Fund	<u>60,500</u>	<u>1,000</u>	<u>0</u>	<u>61,500</u>
TOTAL	\$4,230,100	\$2,528,300	\$168,500	\$6,926,900

II. PORTFOLIO INVESTMENT:

FROM:

PERSI Special

Fund	\$797,500	\$205,500	\$18,000	\$1,021,000
GRAND TOTAL	\$5,027,600	\$2,733,800	\$186,500	\$7,947,900

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Public Employee Retirement System of Idaho is authorized no more than sixty-seven (67) full-time equivalent positions at any point during the period July 1, 2017, through June 30, 2018, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. LEGISLATIVE INTENT. Notwithstanding Section 59-1311(4)(d), Idaho Code, moneys appropriated in Section 1 of this act for the Portfolio Investment Program are for administrative costs of the Portfolio Investment Program as provided in Section 59-1311(3), Idaho Code. Amounts necessary to pay all other investment expenses related to the Portfolio Investment Program are perpetually appropriated to the Public Employee System Board as provided in Section 59-1311(4)(a), (b) and (c), Idaho Code.

Approved March 24, 2017

CHAPTER 153
(H.B. No. 226)

AN ACT

APPROPRIATING MONEYS TO THE PUBLIC HEALTH DISTRICTS FOR FISCAL YEAR 2018.

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

SECTION 1. There is hereby appropriated to the Public Health Districts \$9,341,700 from the General Fund to be transferred to the Public Health Trust Fund in accordance with the provisions of Section 39-425, Idaho Code, for the period July 1, 2017, through June 30, 2018.

Approved March 24, 2017

CHAPTER 154
(H.B. No. 227)

AN ACT

APPROPRIATING MONEYS TO THE DIVISION OF VETERANS SERVICES FOR FISCAL YEAR 2018; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the Division of Veterans Services, the following amounts to be expended for the designated expense classes, from the listed funds for the period July 1, 2017, through June 30, 2018:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
General					
Fund	\$1,068,300			\$49,400	\$1,117,700
Veterans Recognition Income					
Fund		\$809,400		127,500	936,900
Miscellaneous Revenue					
Fund	13,733,700	2,753,700	\$100,000		16,587,400
Veterans Home Endowment Income					
Fund	182,900	617,000	128,000	1,500	929,400
Federal Grant					
Fund	<u>7,790,700</u>	<u>16,597,700</u>	<u>650,000</u>	<u>0</u>	<u>25,038,400</u>
TOTAL	\$22,775,600	\$20,777,800	\$878,000	\$178,400	\$44,609,800

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Division of Veterans Services is authorized no more than three hundred forty-six (346) full-time equivalent positions at any point during the period July 1, 2017, through June 30, 2018, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved March 24, 2017

CHAPTER 155
(H.B. No. 237)

AN ACT

APPROPRIATING MONEYS TO THE LAVA HOT SPRINGS FOUNDATION FOR FISCAL YEAR 2018; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the Lava Hot Springs Foundation the following amounts to be expended for the designated expense classes, from the listed funds for the period July 1, 2017, through June 30, 2018:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:				
Lava Hot Springs Foundation				
Fund	\$1,348,400	\$745,600	\$167,500	\$2,261,500
Lava Hot Springs Capital Improvement				
Fund	<u>0</u>	<u>0</u>	<u>30,000</u>	<u>30,000</u>
TOTAL	\$1,348,400	\$745,600	\$197,500	\$2,291,500

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Lava Hot Springs Foundation is authorized no more than fifteen and eight-tenths (15.8) full-time equivalent positions at any point during the period July 1, 2017, through June 30, 2018, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved March 24, 2017

CHAPTER 156
(H.B. No. 238)

AN ACT

APPROPRIATING MONEYS TO THE OFFICE OF ENERGY AND MINERAL RESOURCES FOR FISCAL YEAR 2018; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the Office of Energy and Mineral Resources, the following amounts to be expended for the designated expense classes, from the listed funds for the period July 1, 2017, through June 30, 2018:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
Indirect Cost Recovery					
Fund	\$77,700	\$33,700			\$111,400
Renewable Energy Resources					
Fund	164,800	39,800			204,600
Miscellaneous Revenue					
Fund	10,100	10,100			20,200
Petroleum Price Violation					
Fund	334,200	156,100	\$3,500	\$58,000	551,800
Federal Grant					
Fund	<u>253,700</u>	<u>159,000</u>	<u>0</u>	<u>0</u>	<u>412,700</u>
TOTAL	\$840,500	\$398,700	\$3,500	\$58,000	\$1,300,700

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Office of Energy and Mineral Resources is authorized no more than eight (8) full-time equivalent positions at any point during the period July 1, 2017, through June 30, 2018, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved March 24, 2017

CHAPTER 157
(H.B. No. 239)

AN ACT

APPROPRIATING MONEYS TO THE COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED FOR FISCAL YEAR 2018; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the Commission for the Blind and Visually Impaired, the following amounts to be expended for the designated expense classes, from the listed funds for the period July 1, 2017, through June 30, 2018:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:				
General				
Fund	\$796,500	\$65,900	\$599,200	\$1,461,600
Randolph Sheppard				
Fund		27,600	100,100	127,700
Rehabilitation Revenue and Refunds				
Fund		34,300	13,000	47,300
Miscellaneous Revenue				
Fund		28,100	56,300	84,400
Adaptive Aids and Appliances				
Fund	20,600	47,900		68,500
Federal Grant				
Fund	<u>2,106,800</u>	<u>620,000</u>	<u>470,300</u>	<u>3,197,100</u>
TOTAL	\$2,923,900	\$823,800	\$1,238,900	\$4,986,600

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Commission for the Blind and Visually Impaired is authorized no more than forty-one and twelve-hundredths (41.12) full-time equivalent positions at any point during the period July 1, 2017, through June 30, 2018, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved March 24, 2017

CHAPTER 158
(H.B. No. 245)

AN ACT

APPROPRIATING MONEYS TO THE DIVISION OF HUMAN RESOURCES FOR FISCAL YEAR 2018; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION; AND PROVIDING GUIDANCE FOR THE IMPLEMENTATION OF EMPLOYEE COMPENSATION.

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

SECTION 1. There is hereby appropriated to the Division of Human Resources from the Division of Human Resources Fund, the following amounts to be expended for the designated expense classes, for the period July 1, 2017, through June 30, 2018:

FOR:

Personnel Costs	\$1,402,100
Operating Expenditures	851,700
Capital Outlay	<u>10,000</u>
TOTAL	\$2,263,800

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Division of Human Resources is authorized no more than fifteen (15) full-time equivalent positions at any point during the period July 1, 2017, through June 30, 2018, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. EMPLOYEE COMPENSATION. It is the intent of the Legislature to progress toward the goal of funding a competitive salary and benefit package that will attract qualified applicants, retain employees committed to public service excellence, motivate employees to maintain high standards of productivity, and reward employees for outstanding performance. In accordance with the direction given by the Legislature, and consistent with the recommendation of the Governor, the Division of Human Resources shall shift the salary structure upwards by three percent (3%) beginning in fiscal year 2018 and shall continue the job classifications that are currently on payline exception to address specific employee recruitment or retention issues. It is also the intent of the Legislature to appropriate an ongoing three percent (3%) increase in funding for state employee merit pay increases.

SECTION 4. IMPLEMENTATION OF THE THREE PERCENT CHANGE IN EMPLOYEE COMPENSATION BY THE DIVISION OF HUMAN RESOURCES. It is the intent of the Legislature that the Division of Human Resources shall develop a merit increase matrix based upon an employee's proximity to the state midpoint market average, and the employee's relative performance, in accordance with Section 67-5309B(4), Idaho Code. Such matrix shall be adapted by each agency head and institution president to meet their specific needs, as approved by the Division of Human Resources, and increases shall be distributed to employees based on merit at the discretion of agency heads and institution presidents, subject to confirmation of sufficient funding pursuant to Section 67-5304, Idaho Code.

Approved March 24, 2017

CHAPTER 159
(H.B. No. 246)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF JUVENILE CORRECTIONS FOR FISCAL
YEAR 2018; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. 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, 2017, through June 30, 2018:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. ADMINISTRATION:					
FROM:					
General					
Fund	\$2,844,000	\$806,200		\$60,000	\$3,710,200
Miscellaneous Revenue					
Fund	90,500	34,400			124,900
State Juvenile Corrections Center Endowment Income					
Fund	<u>0</u>	<u>0</u>	<u>\$339,100</u>	<u>0</u>	<u>339,100</u>
TOTAL	\$2,934,500	\$840,600	\$339,100	\$60,000	\$4,174,200
II. COMMUNITY, OPERATIONS, AND PROGRAM SERVICES:					
FROM:					
General					
Fund	\$1,124,000	\$209,600		\$4,393,900	\$5,727,500
Juvenile Corrections					
Fund		110,000			110,000
Juvenile Corrections - Cigarette/Tobacco Tax					
Fund				4,375,000	4,375,000
Miscellaneous Revenue					
Fund		157,300		327,000	484,300
Federal Grant					
Fund	<u>161,800</u>	<u>199,600</u>		<u>521,000</u>	<u>882,400</u>
TOTAL	\$1,285,800	\$676,500		\$9,616,900	\$11,579,200

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
III. INSTITUTIONS:					
FROM:					
General					
Fund	\$22,739,700	\$1,998,700	\$142,500	\$4,239,800	\$29,120,700
Miscellaneous Revenue					
Fund	22,100	238,600		460,000	720,700
State Juvenile Corrections Center Endowment Income					
Fund		1,073,800	67,300		1,141,100
Federal Grant					
Fund	<u>172,500</u>	<u>768,400</u>	<u>0</u>	<u>1,195,400</u>	<u>2,136,300</u>
TOTAL	\$22,934,300	\$4,079,500	\$209,800	\$5,895,200	\$33,118,800

IV. COMMUNITY-BASED SUBSTANCE ABUSE TREATMENT SERVICES:

FROM:

General

Fund	\$179,900	\$193,600		\$2,783,700	\$3,157,200
GRAND TOTAL	\$27,334,500	\$5,790,200	\$548,900	\$18,355,800	\$52,029,400

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Juvenile Corrections is authorized no more than four hundred thirteen (413) full-time equivalent positions at any point during the period July 1, 2017, through June 30, 2018, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved March 24, 2017

CHAPTER 160
(H.B. No. 248)

AN ACT

APPROPRIATING MONEYS TO THE STATE INDEPENDENT LIVING COUNCIL FOR FISCAL YEAR 2018; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the State Independent Living Council, the following amounts to be expended for the designated expense classes, from the listed funds for the period July 1, 2017, through June 30, 2018:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:				
General				
Fund	\$44,900	\$79,600		\$124,500
State Independent Living Council (Ded)				
Fund	261,700	91,300		353,000
Federal Grant				
Fund	<u>48,900</u>	<u>23,900</u>	<u>\$100,600</u>	<u>173,400</u>
TOTAL	\$355,500	\$194,800	\$100,600	\$650,900

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the State Independent Living Council is authorized no more than four (4) full-time equivalent positions at any point during the period July 1, 2017, through June 30, 2018, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved March 24, 2017

CHAPTER 161
(H.B. No. 141)

AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-202, IDAHO CODE, TO DEFINE "COMMERCIAL WILDLIFE TANNERY" AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 36-603, IDAHO CODE, TO REVISE RECORD PROVISIONS REGARDING COMMERCIAL WILDLIFE TANNERIES AND TO EXEMPT COMMERCIAL WILDLIFE TANNERIES FROM SPECIFIED PROVISIONS REGARDING RECORDS; AND AMENDING SECTION 36-606, IDAHO CODE, TO PROVIDE FOR THE SEIZURE AND CONFISCATION OF WILDLIFE OR PORTIONS THEREOF IN THE POSSESSION OF COMMERCIAL WILDLIFE TANNERIES UNDER CERTAIN CONDITIONS AND TO CLARIFY PROVISIONS REGARDING THE SEIZURE AND CONFISCATION OF WILDLIFE OR PORTIONS THEREOF.

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

SECTION 1. That Section 36-202, Idaho Code, be, and the same is hereby amended to read as follows:

36-202. DEFINITIONS. Whenever the following words appear in title 36, Idaho Code, and orders and rules promulgated by the Idaho fish and game commission or the director of the Idaho department of fish and game, they shall be deemed to have the same meaning and terms of reference as hereinafter set forth. The present tense includes the past and future tenses, and the future, the present.

(a) "Title" means all of the fish and game laws and rules promulgated pursuant thereto.

(b) "Commission" means the Idaho fish and game commission. "Commissioner" means a member of the Idaho fish and game commission.

(c) "Department" means the Idaho department of fish and game.

(d) "Director" means the director of the Idaho department of fish and game or any person authorized to act in his name.

(e) "Employee" means any employee of the Idaho department of fish and game whose salary is paid entirely or in part by funds administered by the Idaho fish and game commission and whose appointment is made in accordance with chapter 53, title 67, Idaho Code, and related rules.

(f) "Person" means an individual, partnership, corporation, company, or any other type of association, and any agent or officer of any partnership, corporation, company, or other type of association. The masculine gender includes the feminine and the neuter. The singular, the plural, and the plural, the singular.

(g) "Wildlife" means any form of animal life, native or exotic, generally living in a state of nature provided that domestic cervidae as defined in section 25-3701, Idaho Code, shall not be classified as wildlife.

(h) "Trophy big game animal" means any big game animal deemed a trophy as defined in this subsection ~~(h)1. through 8.~~ For the purpose of this section, a score shall be determined from the antlers of the mule deer, white-tailed deer or elk as measured by the copyrighted Boone and Crockett scoring system. The highest of the typical or nontypical scores shall be used for determining the total score.

1. Mule deer: any buck scoring over one hundred fifty (150) points;
2. White-tailed deer: any buck scoring over one hundred thirty (130) points;
3. Elk: any bull scoring over three hundred (300) points;
4. Bighorn sheep: any ram;
5. Moose: any bull;
6. Mountain goat: any male or female;
7. Pronghorn antelope: any buck with at least one (1) horn exceeding fourteen (14) inches;
8. Caribou: any male or female.

(i) "Take" means hunt, pursue, catch, capture, shoot, fish, seine, trap, kill, or possess or any attempt to so do.

(j) "Hunting" means chasing, driving, flushing, attracting, pursuing, worrying, following after or on the trail of, shooting at, stalking, or lying in wait for, any wildlife whether or not such wildlife is then or subsequently captured, killed, taken, or wounded. Such term does not include stalking, attracting, searching for, or lying in wait for, any wildlife by an unarmed person solely for the purpose of watching wildlife or taking pictures thereof.

(k) "Fishing" means any effort made to take, kill, injure, capture, or catch any fish or bullfrog.

(l) "Trapping" means taking, killing, and capturing wildlife by the use of any trap, snare, deadfall, or other device commonly used to capture wildlife, and the shooting or killing of wildlife lawfully trapped, and includes all lesser acts such as placing, setting or staking such traps, snares, deadfalls, and other devices, whether or not such acts result in the taking of wildlife, and every attempt to take and every act of assistance to any other person in taking or attempting to take wildlife with traps, snares, deadfalls, or other devices.

(m) "Possession" means both actual and constructive possession, and any control of the object or objects referred to; provided that wildlife taken accidentally and in a manner not contrary to the provisions of this title shall not be deemed to be in possession while being immediately released live back to the wild.

(n) "Possession limit" means the maximum limit in number or amount of wildlife which may be lawfully in the possession of any person. "Possession limit" shall apply to wildlife being in possession while in the field or being transported to final place of consumption or storage.

(o) "Bag limit" means the maximum number of wildlife which may be legally taken, caught, or killed by any one (1) person for any particular period of time, as provided by order of the commission. The term "bag limit" shall be construed to mean an individual, independent effort and shall not be interpreted in any manner as to allow one (1) individual to take more than his "bag limit" toward filling the "bag limit" of another.

(p) "Buy" means to purchase, barter, exchange, or trade and includes any offer or attempt to purchase, barter, exchange, or trade.

(q) "Sell" means to offer or possess for sale, barter, exchange, or trade, or the act of selling, bartering, exchanging or trading.

(r) "Transport" means to carry or convey or cause to be carried or conveyed from one (1) place to another and includes an offer to transport, or receipt or possession for transportation.

(s) "Resident" means any person who has been domiciled in this state, with a bona fide intent to make this his place of permanent abode, for a period of not less than six (6) months immediately preceding the date of application for any license, tag, or permit required under the provisions of this title or orders of the commission and who, when temporarily absent from this state, continues residency with intent to return, and who does not claim any resident privileges in any other state or country for any purpose. Such privileges include, but are not limited to: state where valid driver's license is issued; state of voter registration; state where resident state income taxes are filed; state where homeowner's tax exemption is granted. Provided that, until any such person has been continuously domiciled outside the state of Idaho for a sufficient period of time to qualify for resident hunting and fishing privileges in his new state of residence, said person shall be deemed not to have lost his residency in Idaho for the purposes of this title. However, mere ownership of real property or payment of property taxes in Idaho does not establish residency. Provided further that:

1. Idaho residents shall not lose their residency in Idaho if they are absent from the state for religious (not to exceed two (2) years) or full-time educational (not to exceed five (5) years) purposes, full-time to be defined by the educational institution attended, and do not claim residency or use resident privileges in any other state or country for any purpose.

2. Idaho residents who are in the military service of the United States and maintain Idaho as their official state of residence as shown on their current leave and earnings statement, together with their spouse and children under eighteen (18) years of age living in the household, shall be eligible for the purchase of resident licenses.

3. A member of the military service of the United States or of a foreign country, together with his spouse and children under eighteen (18) years of age residing in his household, who have been officially transferred, stationed, domiciled and on active duty in this state for a period of thirty (30) days last preceding application shall be eligible, as long as such assignment continues, to purchase a resident license. A member of the state national guard or air national guard, domiciled in this state for a period of thirty (30) days last preceding application shall be eligible, as long as such residency continues, to purchase a resident license.

4. Any person enrolled as a corpsman at a job corps center in Idaho shall be eligible, as long as he is so enrolled, to obtain a resident fishing license irrespective of his length of residence in this state.

5. Any foreign exchange student enrolled in an Idaho high school shall be eligible, as long as he is so enrolled, to obtain a resident fishing license irrespective of his length of residence in this state.

(t) "Senior resident" means any person who is over sixty-five (65) years of age who meets the definition of a "resident" pursuant to the provisions of this section.

(u) "Nonresident" means any person who does not qualify as a resident.

(v) "Order, rule, regulation and proclamation" are all used interchangeably and each includes the others.

(w) "Blindness" means sight that does not exceed 20/200 as provided by the administrative guidelines of section 56-213, Idaho Code.

(x) "Public highway" means the traveled portion of, and the shoulders on each side of, any road maintained by any governmental entity for public travel, and includes all bridges, culverts, overpasses, fills, and other structures within the limits of the right-of-way of any such road.

(y) "Motorized vehicle" means any water, land or air vehicle propelled by means of steam, petroleum products, electricity, or any other mechanical power.

(z) "Commercial fish hatchery" means any hatchery, pond, lake or stream or any other waters where fish are held, raised, or produced for sale but shall not include facilities used for the propagation of fish commonly considered as ornamental or aquarium varieties.

(aa) "License" means any license, tag, permit or stamp.

(bb) "License vendor" means any person authorized to issue or sell licenses.

(cc) "Proclamation" means the action by the commission and publication of the pertinent information as it relates to the seasons and limits for taking wildlife.

(dd) "Commercial wildlife tannery" means any person or entity whose primary business is the actual tanning of wildlife skins/hides, processes in excess of ten thousand (10,000) wildlife skins/hides per year, and receives more than seventy-five percent (75%) of its business via common carrier in interstate commerce.

SECTION 2. That Section 36-603, Idaho Code, be, and the same is hereby amended to read as follows:

36-603. RECORDS. (1) The department may require any person licensed under the provisions of this chapter to keep a record for two (2) years last past of wildlife received for mounting or preserving, fur bearers purchased or raw black bear skins, raw cougar skins or parts of black bears or cougars purchased. Records may be written or may be retained on media other than paper, provided that the form or medium complies with the standards set forth in section 9-328, Idaho Code. The record shall be made upon a form provided by the department which sets forth such information as may be required by the director and shall be subject to his inspection at any time. In addition, the department may require licensees to submit forms or records, as determined by the department, to the department relating to the purchase of black bears and cougars, skins, or parts thereof.

(2) ~~Provided however, a commercial tannery receiving wildlife from a licensed taxidermist or fur buyer, shall satisfy all recordkeeping requirements by recording the license numbers of such taxidermist or fur buyer, and recording tag numbers of any attached tags required by law. This provision shall not apply in the event a commercial tannery receives wildlife from a taxidermist or fur buyer from a state other than the state of Idaho, and the taxidermist or fur buyer is not required to be licensed in that state, in which case the tannery shall record the date received, the name, address and telephone number of the individual the wildlife was received from, and tag numbers of any attached tags required by law in the state of origin, the name and number of species received and the approximate date killed. Information so recorded shall be retained for a period of two (2) years the provisions of subsection (1) of this section shall not apply to a person or entity that meets the definition of a commercial wildlife tannery.~~

(a) A commercial wildlife tannery shall record the name of the client, the client's address and telephone number, inventory of items in each

order or shipment and the license numbers of such taxidermists, fur buyers, hunters, trappers, native American tribal identifications or zoological permits of clients personally delivering or shipping via common carrier, wildlife skins/hides, to the tannery. In cases where the shipper/client is legally exempt from the normal license, it must be so recorded and a copy of the legal authority to exempt must be kept on record. In cases where no license is required of the shipper/client, as per the regulations of the state in which he is domiciled or per applicable regulations of the origin of the wildlife, it must be so recorded.

(b) A commercial wildlife tannery must record a compliance statement designed and provided by the tannery that must be signed by all shippers/clients.

(c) Records provided for in this subsection must be retained for a period of two (2) years and may be written or may be retained on media other than paper, provided that the form or medium complies with the standards set forth in section 9-328, Idaho Code. Records must be made available to the Idaho department of fish and game upon request.

SECTION 3. That Section 36-606, Idaho Code, be, and the same is hereby amended to read as follows:

36-606. CONFISCATION OF WILDLIFE -- PROOF OF OWNERSHIP REQUIRED. (1) The director is hereby authorized to seize and confiscate any wildlife or the skins, hides, pelts, horns or antlers or other portions thereof in the possession of any fur buyer, ~~or taxidermist~~ or commercial wildlife tannery, licensed or unlicensed, unless the person or entity having same is able to produce a satisfactory record of lawful origin and proof of ownership.

(2) Compliance with record requirements as provided in section 36-603, Idaho Code, shall constitute satisfactory record of lawful origin and proof of ownership requirements as provided in subsection (1) of this section.

Law without signature.

CHAPTER 162
(S.B. No. 1101)

AN ACT

RELATING TO WATER; AMENDING SECTION 42-1414, IDAHO CODE, TO LIMIT THE FEES IMPOSED FOR STOCK WATERING CLAIMS.

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

SECTION 1. That Section 42-1414, Idaho Code, be, and the same is hereby amended to read as follows:

42-1414. FEES FOR FILING NOTICE OF CLAIMS WITH THE DIRECTOR. (1) In order to provide an adequate and equitable cost-sharing formula for financing the costs of adjudicating water rights the department of water resources shall accept no notice of claim required under the provisions of section 42-1409, Idaho Code, unless such notice of claim is submitted with a filing fee based upon the fee schedule set forth below. Failure to pay the variable water use fee in accordance with the timetable provided shall be cause for the department to reject and return the notice of claim to the claimant. The fee schedule set forth below applies to adjudication proceedings commenced or enlarged on or after January 1, 1985.

(a) Flat fee per claim filed:

(i) Claims for domestic and/or stock watering rights \$25.00
Provided however, and notwithstanding any other provision of law, fees for stock watering right claims, regardless of the number of claims filed, shall only be imposed on the first four (4) claims per claimant, and there shall be no other fees or costs imposed for such claims.

(ii) Claims for all other rights \$50.00

(b) Additional variable water use fee for claims filed based upon acreage, power generating capacity, c.f.s., or equivalent volume of water:

(i) Irrigation use (one fee irrespective of number of claims):

. \$1.00 per acre

(ii) Power: \$3.50 per kilowatt of capacity (manufacturer's nameplate rating), or \$250,000, whichever is less

(iii) Aquaculture: \$10.00 per c.f.s.

(iv) Municipal, industrial, commercial, mining, heating, cooling: \$100.00 per c.f.s.

(v) Public instream flow, public lake level maintenance, wildlife: \$100.00 per c.f.s.

(c) All fees collected by the department pursuant to this section shall be placed in the water resources adjudication account established in section 42-1777, Idaho Code.

(2) If a claimant increases in an amended notice of claim the amount of water claimed, the amount of land irrigated, or the kilowatt capacity of the generating facility, the claimant shall pay upon filing the amended notice of claim an additional variable fee in accordance with the rates set forth in subsection (1) of this section. Claimants shall be entitled to a return of filing fees or late fees only where the fee was miscalculated at the time the original or amended notice of claim was filed.

(3) If a claimant files a notice of claim after the date set by the director in the notice mailed or served in accordance with subsections (2), (3), or (4) of section 42-1408, Idaho Code, or with subsection (7) of section 42-1409, Idaho Code, the claimant shall pay the fee set forth in subsection (1) of this section, and in addition, the amount of fifty dollars (\$50) or fifteen percent (15%) of the original filing fee, whichever is greater. The director may waive the late processing fee or a portion thereof for good cause.

Law without signature.

CHAPTER 163
(S.B. No. 1013)

AN ACT

RELATING TO MINORS; REPEALING SECTION 18-1502C, IDAHO CODE, RELATING TO POSSESSION OF MARIJUANA OR DRUG PARAPHERNALIA BY A MINOR, USE OF CONTROLLED SUBSTANCES, FINES.

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

SECTION 1. That Section 18-1502C, Idaho Code, be, and the same is hereby repealed.

Approved March 27, 2017

CHAPTER 164
(S.B. No. 1146)

AN ACT

RELATING TO APPROPRIATIONS TO THE DIVISION OF BUILDING SAFETY; APPROPRIATING ADDITIONAL MONEYS TO THE DIVISION OF BUILDING SAFETY FOR FISCAL YEAR 2017; APPROPRIATING MONEYS TO THE DIVISION OF BUILDING SAFETY FOR FISCAL YEAR 2018; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to the appropriation made in Section 1, Chapter 149, Laws of 2016, and any other appropriation provided for by law, there is hereby appropriated \$50,000 from the State Regulatory Fund to the Division of Building Safety, to be expended for operating expenditures, for the period July 1, 2016, through June 30, 2017.

SECTION 2. There is hereby appropriated to the Division of Building Safety, the following amounts to be expended for the designated expense classes, from the listed funds for the period July 1, 2017, through June 30, 2018:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:				
General				
Fund	\$195,900	\$38,600		\$234,500
State Regulatory				
Fund	9,475,900	1,887,700	\$752,700	12,116,300
Miscellaneous Revenue/ Industrial Safety				
Fund	702,800	96,500		799,300
Miscellaneous Revenue/ Logging				
Fund	377,600	73,300		450,900
Miscellaneous Revenue/ School Security Assessment				
Fund	247,500	52,800		300,300
Federal Grant				
Fund	<u>42,200</u>	<u>46,400</u>	0	<u>88,600</u>
TOTAL	\$11,041,900	\$2,195,300	\$752,700	\$13,989,900

SECTION 3. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Division of Building Safety is authorized no more than one hundred forty-one (141) full-time equivalent positions at any point during the period July 1, 2017, through June 30, 2018, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, the provisions of Section 1 of this act shall be in full force and effect on and after passage and approval.

Approved March 27, 2017

CHAPTER 165
(S.B. No. 1145)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE WELFARE DIVISION FOR FISCAL YEAR 2018; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS FOR FISCAL YEAR 2018; PROVIDING FOR GENERAL FUND TRANSFERS TO THE COOPERATIVE WELFARE FUND; PROHIBITING TRANSFERS FOR TRUSTEE AND BENEFIT PAYMENTS; PROVIDING LEGISLATIVE INTENT FOR PROGRAM INTEGRITY; REQUIRING BIENNIAL REPORTS; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE BENEFIT PAYMENTS PROGRAM FOR FISCAL YEAR 2017; REDUCING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS FOR FISCAL YEAR 2017; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Department of Health and Welfare for the Welfare Division, the following amounts to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2017, through June 30, 2018:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. SELF-RELIANCE OPERATIONS:				
FROM:				
Cooperative Welfare (General)				
Fund	\$14,711,800	\$6,375,300		\$21,087,100
Idaho Health Insurance Access Card				
Fund		2,273,700		2,273,700
Cooperative Welfare (Dedicated)				
Fund	1,318,200	3,539,000		4,857,200
Cooperative Welfare (Federal)				
Fund	<u>26,541,600</u>	<u>23,346,400</u>		<u>49,888,000</u>
TOTAL	\$42,571,600	\$35,534,400		\$78,106,000
II. BENEFIT PAYMENTS:				
FROM:				
Cooperative Welfare (General)				
Fund			\$22,183,600	\$22,183,600
Cooperative Welfare (Dedicated)				
Fund			500,000	500,000
Cooperative Welfare (Federal)				
Fund			<u>71,530,500</u>	<u>71,530,500</u>
TOTAL			\$94,214,100	\$94,214,100
GRAND TOTAL	\$42,571,600	\$35,534,400	\$94,214,100	\$172,320,100

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Health and Welfare for the Welfare Division is authorized no more than six hundred thirty and fifty-five hundredths (630.55) full-time equivalent positions at any point during the period July 1, 2017, through June 30, 2018, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized. Further, notwithstanding any other provision of law, it is the intent of the Legislature that the Department of Health and Welfare has the authority to transfer authorized full-time equivalent positions between budgeted programs.

SECTION 3. GENERAL FUND TRANSFERS. As appropriated, the State Controller shall make transfers from the General Fund to the Cooperative Welfare Fund, periodically, as requested by the director of the Department of Health and Welfare and approved by the Board of Examiners.

SECTION 4. TRUSTEE AND BENEFIT PAYMENTS. Notwithstanding the provisions of Section 67-3511, Idaho Code, funds budgeted in the trustee and benefit payments expenditure class shall not be transferred to any other expense class during fiscal year 2018.

SECTION 5. PROGRAM INTEGRITY. Notwithstanding any other provisions of law, it is hereby declared to be the intent of the Legislature that the Department of Health and Welfare shall be required to provide those services authorized or mandated by law in each program, only to the extent of funding and available resources appropriated for each budgeted program.

SECTION 6. ACTUAL AND FORECAST DETAIL REPORTING. The Division of Welfare shall deliver the Self-Reliance Programs Forecast biannually to the Legislative Services Office and Division of Financial Management. The report shall include monthly caseload details for Temporary Assistance for Needy Families (TANF), Child Care, Medicaid, Advanced Premium Tax Credit (APTC), Aid to the Aged, Blind and Disabled, Food Stamps, and Child Support programs. The Self-Reliance Programs Forecast shall also include expenditure details for all of the named programs with the exception of Medicaid. The format of the report, and any additional information contained therein, shall be determined by the Legislative Services Office and Division of Financial Management. The first report shall be submitted no later than December 31, 2017, and the second report shall be submitted no later than June 30, 2018.

SECTION 7. In addition to the appropriation made in Section 1, Chapter 246, Laws of 2016, and any other appropriation provided for by law, there is hereby appropriated \$116,300 from the Cooperative Welfare (General) Fund to the Department of Health and Welfare for the Benefit Payments Program, to be expended for trustee and benefit payments, for the period July 1, 2016, through June 30, 2017.

SECTION 8. FTP AUTHORIZATION. The full-time equivalent position authorization provided to the Department of Health and Welfare for the Self-Reliance Operations Program in Section 2, Chapter 246, Laws of 2016, is reduced by five (5) for the period July 1, 2016, through June 30, 2017.

SECTION 9. An emergency existing therefor, which emergency is hereby declared to exist, the provisions of Sections 7 and 8 of this act shall be in full force and effect on and after passage and approval.

CHAPTER 166
(S.B. No. 1132)

AN ACT

APPROPRIATING MONEYS TO THE PUBLIC UTILITIES COMMISSION FOR FISCAL YEAR 2018; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the Public Utilities Commission, the following amounts to be expended for the designated expense classes, from the listed funds for the period July 1, 2017, through June 30, 2018:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:				
Indirect Cost Recovery				
Fund		\$209,500		\$209,500
Public Utilities Commission				
Fund	\$4,350,300	1,601,900	\$76,100	6,028,300
Federal Grant				
Fund	<u>254,800</u>	<u>69,200</u>	<u>0</u>	<u>324,000</u>
TOTAL	\$4,605,100	\$1,880,600	\$76,100	\$6,561,800

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Public Utilities Commission is authorized no more than fifty-two (52) full-time equivalent positions at any point during the period July 1, 2017, through June 30, 2018, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved March 27, 2017

CHAPTER 167
(S.B. No. 1133)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED FOR FISCAL YEAR 2017; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to the appropriation made in Section 1, Chapter 177, Laws of 2016, and any other appropriation provided for by law, there is hereby appropriated to the Commission for the Blind and Visually Impaired \$10,000 from the Rehabilitation Revenue and Refunds Fund to be expended for operating expenditures for the period July 1, 2016, through June 30, 2017.

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, 2017

CHAPTER 168
(S.B. No. 1108)

AN ACT

RELATING TO SALARIES OF JUDGES; AMENDING SECTION 1-201, IDAHO CODE, TO INCREASE A CERTAIN SALARY AMOUNT RECEIVED BY THE CHIEF JUSTICE OF THE SUPREME COURT; AMENDING SECTION 1-703, IDAHO CODE, TO INCREASE A CERTAIN ANNUAL SALARY AMOUNT RECEIVED BY THE ADMINISTRATIVE JUDGE; AMENDING SECTION 1-2408, IDAHO CODE, TO INCREASE A CERTAIN ANNUAL SALARY AMOUNT RECEIVED BY THE CHIEF JUDGE OF THE COURT OF APPEALS; AND AMENDING SECTION 59-502, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO REVISE PROVISIONS RELATING TO SALARIES OF JUDGES.

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

SECTION 1. That Section 1-201, Idaho Code, be, and the same is hereby amended to read as follows:

1-201. CONSTITUTION OF COURT. The supreme court consists of five (5) justices, a majority of whom shall be necessary to make a quorum or pronounce a decision. The justices of the supreme court shall be elected by the electors of the state at large. The terms of office of said justices shall be six (6) years. The chief justice shall receive an annual salary in an amount of ~~two~~ three thousand dollars (\$23,000) greater than the annual salary of the justices of the supreme court to compensate for the additional constitutional and statutory duties of the office.

SECTION 2. That Section 1-703, Idaho Code, be, and the same is hereby amended to read as follows:

1-703. JURISDICTION OF JUDGES WHERE MORE THAN ONE -- ADMINISTRATIVE JUDGE. Where there is more than one (1) judge in any district, the jurisdiction of the respective judges of said district shall be equal and coextensive with the boundaries of the district. In each judicial district there shall be an administrative judge elected by a majority of the district judges within the district to serve for a period of time as provided by rules of the Idaho supreme court. In the event a majority of the district judges cannot agree as to who shall be the administrative judge, then the appointment of the administrative judge shall be by a majority of the Idaho supreme court justices for a period of time as provided by rules of the Idaho supreme court. The administrative judge is hereby granted all powers and duties heretofore or hereafter granted to the senior district judge, and the administrative judge shall apportion the business of such district among such judges as equally as may be, but any judge shall have full power to hold terms of court, transact judicial business, make orders, grant or refuse writs and generally exercise all the powers of a district judge without the concurrence of the other judge or judges. The administrative judge shall receive an annual salary in an amount of ~~two~~ three thousand dollars (\$23,000) greater than the annual salary of a district judge to compensate for the additional duties of the office.

SECTION 3. That Section 1-2408, Idaho Code, be, and the same is hereby amended to read as follows:

1-2408. CHIEF JUDGE. The chief justice of the supreme court shall appoint a chief judge of the court of appeals for a term of two (2) years or such shorter period as may be determined by the chief justice. The chief judge shall exercise such administrative powers as may be delegated by the full membership of the court of appeals, not in conflict with supreme court rules. The chief judge shall receive an annual salary in an amount of ~~two~~ three thousand dollars (\$23,000) greater than the annual salary of a judge of the court of appeals to compensate for the additional duties of the office.

SECTION 4. 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, 2014, the salary of the justices of the supreme court shall be one hundred thirty-five thousand dollars (\$135,000) per annum. Commencing on July 1, 20167, the salary of the justices of the supreme court shall be one hundred forty-six thousand seven hundred dollars (\$140,000 146,700) per annum.~~

(2) ~~Commencing on July 1, 2014, judges of the court of appeals shall receive an annual salary in an amount of five thousand dollars (\$5,000) less than the annual salary of a supreme court justice. Commencing on July 1, 20167, judges of the court of appeals shall receive an annual salary in an amount of ten nine thousand dollars (\$109,000) less than the annual salary of a supreme court justice.~~

(3) ~~Commencing on July 1, 2014, 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. Commencing on July 1, 20167, district judges shall receive an annual salary in an amount of one six thousand five hundred dollars (\$1,500 6,000) less than the annual salary of a judge of the court of appeals.~~

(4) Commencing on July 1, 20147, magistrate judges shall receive an annual salary in an amount of twelve thousand dollars (\$12,000) 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 has been finally submitted for his consideration and determination thirty (30) days prior to his taking and subscribing said oath.

Approved March 27, 2017

CHAPTER 169
(S.B. No. 1138)

AN ACT

APPROPRIATING MONEYS TO IDAHO PUBLIC TELEVISION FOR FISCAL YEAR 2018; AND
LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to Idaho Public Television, the following amounts to be expended for the designated expense classes, from the listed funds for the period July 1, 2017, through June 30, 2018:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:				
General				
Fund	\$1,239,200	\$1,081,500	\$1,006,500	\$3,327,200
Miscellaneous Revenue				
Fund	<u>3,480,900</u>	<u>2,429,000</u>	<u>396,000</u>	<u>6,305,900</u>
TOTAL	\$4,720,100	\$3,510,500	\$1,402,500	\$9,633,100

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, Idaho Public Television is authorized no more than sixty-five and forty-eight hundredths (65.48) full-time equivalent positions at any point during the period July 1, 2017, through June 30, 2018, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved March 27, 2017

CHAPTER 170
(S.B. No. 1023)

AN ACT

RELATING TO FUNERAL PROCESSIONS; AMENDING SECTION 49-2706, IDAHO CODE, TO
REVISE PENALTIES FOR CERTAIN VIOLATIONS.

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

SECTION 1. That Section 49-2706, Idaho Code, be, and the same is hereby amended to read as follows:

49-2706. PENALTY. Any person ~~in violation of~~ who intentionally and knowingly violates the provisions of this chapter section 49-2701(4) or 49-2704, Idaho Code, shall be guilty of a misdemeanor and ~~upon conviction be punished by a fine not to exceed one hundred dollars (\$100).~~ Any other violation of the provisions of this chapter shall be an infraction.

Approved March 27, 2017

CHAPTER 171
(S.B. No. 1136)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF FISH AND GAME FOR FISCAL YEAR 2018;
LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS;
APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF FISH AND GAME FOR
FISCAL YEAR 2017 FOR DEPREDATION PAYMENTS; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Department of Fish and Game, the following amounts to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2017, through June 30, 2018:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. ADMINISTRATION:					
FROM:					
Fish and Game (Licenses)					
Fund	\$4,012,400	\$1,940,300	\$3,330,500		\$9,283,200
Fish and Game (Other)					
Fund	639,000	119,400			758,400
Fish and Game Set-Aside (Licenses)					
Fund	200	33,700			33,900
Fish and Game Set-Aside (Other)					
Fund	18,000	21,200			39,200
Expendable Big Game Depredation					
Fund		2,900			2,900
Fish and Game Expendable Trust					
Fund		7,500			7,500
Fish and Game Nonexpendable Trust					
Fund		3,600			3,600
Fish and Game (Federal)					
Fund	<u>4,254,500</u>	<u>3,137,500</u>	<u>50,400</u>		<u>7,442,400</u>
TOTAL	\$8,924,100	\$5,266,100	\$3,380,900		\$17,571,100

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
II. ENFORCEMENT:					
FROM:					
Fish and Game (Licenses)					
Fund	\$9,263,600	\$2,005,000	\$139,600		\$11,408,200
Fish and Game (Other)					
Fund	173,100	77,000			250,100
Fish and Game Set-Aside (Other)					
Fund		20,600			20,600
Fish and Game Expendable Trust					
Fund		26,400			26,400
Fish and Game (Federal)					
Fund	<u>32,100</u>	<u>6,700</u>	<u>0</u>		<u>38,800</u>
TOTAL	\$9,468,800	\$2,135,700	\$139,600		\$11,744,100
III. FISHERIES:					
FROM:					
Fish and Game (Licenses)					
Fund	\$3,870,600	\$2,851,900	\$246,900		\$6,969,400
Fish and Game (Other)					
Fund	3,068,300	3,139,200	800,000		7,007,500
Fish and Game Set-Aside (Licenses)					
Fund	243,600	257,200			500,800
Fish and Game Set-Aside (Other)					
Fund	75,400	3,500			78,900
Fish and Game Expendable Trust					
Fund	48,000	634,200			682,200
Fish and Game Nonexpendable Trust					
Fund		33,200			33,200
Fish and Game (Federal)					
Fund	<u>12,544,200</u>	<u>10,782,200</u>	<u>899,000</u>		<u>24,225,400</u>
TOTAL	\$19,850,100	\$17,701,400	\$1,945,900		\$39,497,400

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
IV. WILDLIFE:					
FROM:					
Fish and Game (Licenses)					
Fund	\$4,697,400	\$3,355,600	\$211,300	\$174,800	\$8,439,100
Fish and Game (Other)					
Fund	429,900	431,100			861,000
Fish and Game Set-Aside (Other)					
Fund	951,700	401,800			1,353,500
Fish and Game Expendable Trust					
Fund	341,700	694,200			1,035,900
Fish and Game Nonexpendable Trust					
Fund	11,400	2,300			13,700
Fish and Game (Federal)					
Fund	<u>6,456,300</u>	<u>5,254,400</u>	<u>397,200</u>	<u>0</u>	<u>12,107,900</u>
TOTAL	\$12,888,400	\$10,139,400	\$608,500	\$174,800	\$23,811,100
V. COMMUNICATIONS:					
FROM:					
Fish and Game (Licenses)					
Fund	\$1,666,200	\$646,600	\$57,300		\$2,370,100
Fish and Game (Other)					
Fund	32,000	171,300			203,300
Fish and Game Set-Aside (Other)					
Fund	102,400	16,500			118,900
Fish and Game Expendable Trust					
Fund	45,200	72,300			117,500
Fish and Game (Federal)					
Fund	<u>1,277,400</u>	<u>670,400</u>	<u>0</u>		<u>1,947,800</u>
TOTAL	\$3,123,200	\$1,577,100	\$57,300		\$4,757,600
VI. ENGINEERING:					
FROM:					
Fish and Game (Licenses)					
Fund	\$985,600	\$72,800	\$4,400		\$1,062,800

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
VII. WILDLIFE MITIGATION AND HABITAT CONSERVATION:					
FROM:					
Fish and Game (Licenses)					
Fund	\$724,700	\$516,200	\$9,600		\$1,250,500
Fish and Game (Other)					
Fund	53,500	7,800			61,300
Fish and Game Set-Aside (Licenses)					
Fund	3,400	1,329,800			1,333,200
Fish and Game Set-Aside (Other)					
Fund	2,000	100			2,100
Expendable Big Game Depredation					
Fund				\$600,000	600,000
Fish and Game (Federal)					
Fund	<u>485,100</u>	<u>375,500</u>	<u>0</u>	<u>0</u>	<u>860,600</u>
TOTAL	\$1,268,700	\$2,229,400	\$9,600	\$600,000	\$4,107,700
GRAND TOTAL	\$56,508,900	\$39,121,900	\$6,146,200	\$774,800	\$102,551,800

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Fish and Game is authorized no more than five hundred fifty-eight (558) full-time equivalent positions at any point during the period July 1, 2017, through June 30, 2018, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. In addition to the appropriation made in Section 1, Chapter 332, Laws of 2016, and any other appropriation provided for by law, there is hereby appropriated \$125,000 from the Expendable Big Game Depredation Fund to the Department of Fish and Game, to be expended for trustee and benefit payments, for the period July 1, 2016, through June 30, 2017. Moneys are to be used for depredation payments.

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, the provisions of Section 3 of this act shall be in full force and effect on and after passage and approval.

Approved March 27, 2017

CHAPTER 172
(S.B. No. 1026)

AN ACT

RELATING TO CRIMINAL PROCEDURE; AMENDING SECTION 19-2604, IDAHO CODE, TO REVISE A PROVISION REGARDING WHO MAY APPLY FOR RELIEF.

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

SECTION 1. That Section 19-2604, Idaho Code, be, and the same is hereby amended to read as follows:

19-2604. DISCHARGE OF DEFENDANT -- AMENDMENT OF JUDGMENT.

(1) (a) Application for relief under this subsection may be made by the following persons who have pled guilty to or been found guilty of a crime:

- (i) A defendant whose sentence has been suspended or who has received a withheld judgment;
- (ii) A defendant in a felony case whose sentence has been commuted under section 19-2601 1., Idaho Code;
- (iii) A defendant in a felony case upon whom the court has not imposed a sentence to the custody of the board of correction;
- (iv) A defendant who has not been sentenced but who has successfully completed a drug court or mental health court program;
- (v) A defendant in a misdemeanor case who has not been sentenced to serve a term in the county jail or whose sentence or any portion thereof has been suspended.

(b) Upon application of the defendant and upon satisfactory showing that:

- (i) The court did not find, and the defendant did not admit, in any probation violation proceeding that the defendant violated any of the terms or conditions of any probation that may have been imposed; or
- (ii) The defendant has successfully completed and graduated from an authorized drug court program or mental health court program and during any period of probation that may have been served following such graduation, the court did not find, and the defendant did not admit, in any probation violation proceeding that the defendant violated any of the terms or conditions of probation;

the court, if convinced by the showing made that there is no longer cause for continuing the period of probation should the defendant be on probation at the time of the application, and that there is good cause for granting the requested relief, may terminate the sentence or set aside the plea of guilty or conviction of the defendant, and finally dismiss the case and discharge the defendant or may amend the judgment of conviction from a term in the custody of the state board of correction to "confinement in a penal facility" for the number of days served prior to sentencing, and the amended judgment may be deemed to be a misdemeanor conviction. This shall apply to the cases in which defendants have been convicted before this law goes into effect, as well as to cases which arise thereafter. The final dismissal of the case as herein provided shall have the effect of restoring the defendant to his civil rights.

(2) If sentence has been imposed but suspended for any period during the first three hundred sixty-five (365) days of a sentence to the custody of the state board of correction, and the defendant placed upon probation as provided in subsection 4. of section 19-2601 or 19-2601A, Idaho Code, upon application of the defendant, the prosecuting attorney, or upon the court's own motion, and upon satisfactory showing that:

(a) The court did not find, and the defendant did not admit, in any probation violation proceeding that the defendant violated any of the terms or conditions of probation; or

(b) The defendant has successfully completed and graduated from an authorized drug court program or mental health court program and during any period of probation that may have been served following such graduation, the court did not find, and the defendant did not admit, in any probation violation proceeding that the defendant violated any of the terms or conditions of probation;

the court may amend the judgment of conviction from a term in the custody of the state board of correction to "confinement in a penal facility" for the number of days served prior to suspension, and the amended judgment may be deemed to be a misdemeanor conviction.

(3) (a) In addition to the circumstances in which relief from a felony conviction may be granted under subsections (1) and (2) of this section, a defendant who has been convicted of a felony and who has been discharged from probation may apply to the sentencing court for a reduction of the conviction from a felony to a misdemeanor as provided in this subsection.

(b) If less than five (5) years have elapsed since the defendant's discharge from probation, the application may be granted only if the prosecuting attorney stipulates to the reduction.

(c) If at least five (5) years have elapsed since the defendant's discharge from probation, and if the defendant was convicted of any of the following offenses, the application may be granted only if the prosecuting attorney stipulates to the reduction:

- (i) Assault with intent to commit a serious felony (18-909, 18-915, Idaho Code);
- (ii) Battery with intent to commit a serious felony (18-911, 18-915, Idaho Code);
- (iii) Enticing of children (18-1509, Idaho Code);
- (iv) Murder in the first or second degree (18-4003, Idaho Code);
- (v) Voluntary manslaughter (18-4006(1), Idaho Code);
- (vi) Assault with intent to commit murder (18-4015, Idaho Code);
- (vii) Administering poison with intent to kill (18-4014, Idaho Code);
- (viii) Kidnapping in the first degree (18-4502, Idaho Code);
- (ix) Robbery (18-6501, Idaho Code);
- (x) Trafficking (37-2732B, Idaho Code);
- (xi) Threats against state officials of the executive, legislative or judicial branch, felony (18-1353A, Idaho Code);
- (xii) Unlawful discharge of a firearm at a dwelling house, occupied building, vehicle or mobile home (18-3317, Idaho Code);
- (xiii) Cannibalism (18-5003, Idaho Code);
- (xiv) Unlawful use of destructive device or bomb (18-3320, Idaho Code);
- (xv) Attempt, conspiracy or solicitation to commit any of the crimes described in subparagraphs (i) through (xiv) of this paragraph.

(d) The decision as to whether to grant such an application shall be in the discretion of the district court, provided that the application may be granted only if the court finds that:

- (i) The defendant has not been convicted of any felony committed after the conviction from which relief is sought;
 - (ii) The defendant is not currently charged with any crime;
 - (iii) There is good cause for granting the reduction in sentence;
- and

(iv) In those cases where the stipulation of the prosecuting attorney is required under paragraph (b) or (c) of this subsection, the prosecuting attorney has so stipulated.

(e) If the court grants the application, the court shall reduce the felony conviction to a misdemeanor and amend the judgment of conviction for a term in the custody of the state board of correction to "confinement in a penal facility" for the number of days served prior to the judgment of conviction.

(4) Subsections (2) and (3) of this section shall not apply to any judgment of conviction for a violation of any offense requiring sex offender registration as set forth in section 18-8304, Idaho Code. A judgment of conviction for a violation of any offense requiring sex offender registration as set forth in section 18-8304, Idaho Code, shall not be subject to dismissal or reduction under this section. A conviction for the purposes of this chapter means that the person has pled guilty or has been found guilty, notwithstanding the form of the judgment or withheld judgment.

(5) A violation of the terms of an agreement of supervision with the board of correction by a person under the supervision of the board shall not preclude the granting of relief to that person under this section.

Approved March 27, 2017

CHAPTER 173
(S.B. No. 1025)

AN ACT

RELATING TO ADMINISTRATIVE JUDGES; AMENDING SECTION 1-907, IDAHO CODE, TO REMOVE A CERTAIN POWER OF AN ADMINISTRATIVE JUDGE AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 1-907, Idaho Code, be, and the same is hereby amended to read as follows:

1-907. ADMINISTRATIVE JUDGE -- ADMINISTRATIVE POWERS AND DUTIES. The administrative judge or acting administrative judge in each judicial district, subject to the rules of the Supreme Ccourt, shall have administrative supervision and authority over the operation of the district courts and magistrates in the district. These powers and duties include, but are not limited to, the following:

(a) arranging schedules and assigning district judges for sessions of district courts;

(b) arranging or supervising the calendaring of matters for trial or hearing;

(c) supervising the clerks of the district courts in the discharge of the clerical functions of the district courts;

(d) assigning matters to magistrates, and prescribing times and places at which magistrates shall be available for the performance of their duties;

(e) making arrangements with proper authorities for the drawing of civil jury panels and determining which sessions of the district court shall be jury sessions;

(f) arranging for the reporting of civil cases by court reporters or other authorized means;

(g) arranging sessions, to the extent practicable, for the trial of specialized cases, including traffic, domestic relations, and other types

of cases, and assigning district judges to preside over these sessions so as to permit maximum practicable specialization by individual judges;

~~(h) promulgating a schedule of offenses for which magistrates and clerks of court or other designated persons may accept written appearances, waivers of trial, and pleas of guilty, and establishing a schedule of fines and bails therefor;~~

~~(i) Assigning magistrates to temporary duty outside the county of their residence, but within the district;~~

~~(j) Acting as chairman of the district magistrates commission of the district;~~

~~(k) Assigning to other district judges in the district various powers and duties as in this act provided; and~~

~~(l) Appointing personnel when needed to attend to the courts, and assigning duties to these court attendants for the purpose of maintaining the security and efficiency of court facilities.~~

Approved March 27, 2017

CHAPTER 174
(S.B. No. 1024)

AN ACT

RELATING TO THE CHILD PROTECTIVE ACT; AMENDING SECTION 16-1602, IDAHO CODE, TO REVISE A DEFINITION AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 16-1602, Idaho Code, be, and the same is hereby amended to read as follows:

16-1602. DEFINITIONS. For purposes of this chapter:

(1) "Abused" means any case in which a child has been the victim of:

(a) Conduct or omission resulting in skin bruising, bleeding, malnutrition, burns, fracture of any bone, subdural hematoma, soft tissue swelling, failure to thrive or death, and such condition or death is not justifiably explained, or where the history given concerning such condition or death is at variance with the degree or type of such condition or death, or the circumstances indicate that such condition or death may not be the product of an accidental occurrence; or

(b) Sexual conduct, including rape, molestation, incest, prostitution, obscene or pornographic photographing, filming or depiction for commercial purposes, or other similar forms of sexual exploitation harming or threatening the child's health or welfare or mental injury to the child.

(2) "Abandoned" means the failure of the parent to maintain a normal parental relationship with his child including, but not limited to, reasonable support or regular personal contact. Failure to maintain this relationship without just cause for a period of one (1) year shall constitute prima facie evidence of abandonment.

(3) "Adaptive equipment" means any piece of equipment or any item that is used to increase, maintain or improve the parenting capabilities of a parent with a disability.

(4) "Adjudicatory hearing" means a hearing to determine:

(a) Whether the child comes under the jurisdiction of the court pursuant to the provisions of this chapter;

(b) Whether continuation of the child in the home would be contrary to the child's welfare and whether the best interest of the child requires

protective supervision or vesting legal custody of the child in an authorized agency.

(5) "Age of developmentally appropriate" means:

(a) Activities that are generally accepted as suitable for children of the same chronological age or level of maturity or that are determined to be developmentally appropriate for a child, based on the development of cognitive, emotional, physical and behavioral capacities that are typical for an age or age group; and

(b) In the case of a specific child, activities or items that are suitable for the child based on the developmental stages attained by the child with respect to the cognitive, emotional, physical and behavioral capacities of the child.

(6) "Aggravated circumstances" includes, but is not limited to:

(a) Circumstances in which the parent has engaged in any of the following:

(i) Abandonment, chronic abuse or chronic neglect of the child. Chronic neglect or chronic abuse of a child shall consist of abuse or neglect that is so extreme or repetitious as to indicate that return of the child to the home would result in unacceptable risk to the health and welfare of the child.

(ii) Sexual abuse against a child of the parent. Sexual abuse, for the purposes of this section, includes any conduct described in section 18-1506, 18-1506A, 18-1507, 18-1508, 18-1508A, 18-6101 or 18-6608, Idaho Code.

(iii) Torture of a child; any conduct described in the code sections listed in section 18-8303(1), Idaho Code; battery or an injury to a child that results in serious or great bodily injury to a child; voluntary manslaughter of a child, or aiding or abetting such voluntary manslaughter, soliciting such voluntary manslaughter or attempting or conspiring to commit such voluntary manslaughter;

(b) The parent has committed murder, aided or abetted a murder, solicited a murder or attempted or conspired to commit murder; or

(c) The parental rights of the parent to another child have been terminated involuntarily.

(7) "Authorized agency" means the department, a local agency, a person, an organization, corporation, benevolent society or association licensed or approved by the department or the court to receive children for control, care, maintenance or placement.

(8) "Caregiver" means a foster parent with whom a child in foster care has been placed or a designated official for a child care institution in which a child in foster care has been placed.

(9) "Case plan hearing" means a hearing to approve, modify or reject the case plan as provided in section 16-1621, Idaho Code.

(10) "Child" means an individual who is under the age of eighteen (18) years.

(11) "Child advocacy center" or "CAC" means an organization that adheres to national best practice standards established by the national membership and accrediting body for children's advocacy centers and that promotes a comprehensive and coordinated multidisciplinary team response to allegations of child abuse by maintaining a child-friendly facility at which appropriate services are provided. These services may include forensic interviews, forensic medical examinations, mental health services and other related victim services.

(12) "Circumstances of the child" includes, but is not limited to, the joint legal custody or joint physical custody of the child.

(13) "Commit" means to transfer legal and physical custody.

(14) "Concurrent planning" means a planning model that prepares for and implements different outcomes at the same time.

(15) "Court" means district court or magistrate's division thereof, or if the context requires, a magistrate or judge thereof.

(16) "Custodian" means a person, other than a parent or legal guardian, to whom legal or joint legal custody of the child has been given by court order.

(17) "Department" means the department of health and welfare and its authorized representatives.

(18) "Disability" means, with respect to an individual, any mental or physical impairment which substantially limits one (1) or more major life activity of the individual including, but not limited to, self-care, manual tasks, walking, seeing, hearing, speaking, learning or working, or a record of such an impairment, or being regarded as having such an impairment. Disability shall not include transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, other sexual behavior disorders, or substance use disorders, compulsive gambling, kleptomania or pyromania. Sexual preference or orientation is not considered an impairment or disability. Whether an impairment substantially limits a major life activity shall be determined without consideration of the effect of corrective or mitigating measures used to reduce the effects of the impairment.

(19) "Family or household member" shall have the same meaning as in section 39-6303(6), Idaho Code.

(20) "Foster care" means twenty-four (24) hour substitute parental care for children placed away from their parents or guardians by persons who may or may not be related to the children and for whom the state agency has placement and care responsibility.

(21) "Foster parent" means a person or persons licensed to provide foster care.

(22) "Grant administrator" means the supreme court or any organization or agency as may be designated by the supreme court in accordance with such procedures as may be adopted by the supreme court. The grant administrator shall administer funds from the guardian ad litem account in accordance with the provisions of this chapter.

(23) "Guardian ad litem" means a person appointed by the court pursuant to a guardian ad litem volunteer program to act as special advocate for a child under this chapter.

(24) "Guardian ad litem coordinator" means a person or entity receiving moneys from the grant administrator for the purpose of carrying out any of the duties set forth in section 16-1632, Idaho Code.

(25) "Guardian ad litem program" means the program to recruit, train and coordinate volunteer persons to serve as guardians ad litem for abused, neglected or abandoned children.

(26) "Homeless," as used in this chapter, shall mean that the child is without adequate shelter or other living facilities, and the lack of such shelter or other living facilities poses a threat to the health, safety or well-being of the child.

(27) "Idaho network of children's advocacy centers" means an organization that provides education and technical assistance to child advocacy centers and to interagency multidisciplinary teams developed pursuant to section 16-1617, Idaho Code.

(28) "Law enforcement agency" means a city police department, the prosecuting attorney of any county, state law enforcement officers, or the office of a sheriff of any county.

(29) "Legal custody" means a relationship created by court order, which vests in a custodian the following rights and responsibilities:

(a) To have physical custody and control of the child, and to determine where and with whom the child shall live.

(b) To supply the child with food, clothing, shelter and incidental necessities.

(c) To provide the child with care, education and discipline.

(d) To authorize ordinary medical, dental, psychiatric, psychological, or other remedial care and treatment for the child, including care and treatment in a facility with a program of services for children, and to authorize surgery if the surgery is deemed by two (2) physicians licensed to practice in this state to be necessary for the child.

(e) Where the parents share legal custody, the custodian may be vested with the custody previously held by either or both parents.

(30) "Mental injury" means a substantial impairment in the intellectual or psychological ability of a child to function within a normal range of performance and/or behavior, for short or long terms.

(31) "Neglected" means a child:

(a) Who is without proper parental care and control, or subsistence, medical or other care or control necessary for his well-being because of the conduct or omission of his parents, guardian or other custodian or their neglect or refusal to provide them; however, no child whose parent or guardian chooses for such child treatment by prayers through spiritual means alone in lieu of medical treatment shall be deemed for that reason alone to be neglected or lack parental care necessary for his health and well-being, but this subsection shall not prevent the court from acting pursuant to section 16-1627, Idaho Code; or

(b) Whose parents, guardian or other custodian are unable to discharge their responsibilities to and for the child and, as a result of such inability, the child lacks the parental care necessary for his health, safety or well-being; or

(c) Who has been placed for care or adoption in violation of law; or

(d) Who is without proper education because of the failure to comply with section 33-202, Idaho Code.

(32) "Permanency hearing" means a hearing to review, approve, reject or modify the permanency plan of the department, and review reasonable efforts in accomplishing the permanency plan.

(33) "Permanency plan" means a plan for a continuous residence and maintenance of nurturing relationships during the child's minority.

(34) "Protective order" means an order issued by the court in a child protection case, prior to the adjudicatory hearing, to enable the child to remain in the home pursuant to section 16-1615(58) ~~(f)~~, Idaho Code or following an adjudicatory hearing to preserve the unity of the family and to ensure the best interests of the child, pursuant to section 16-1619(10), Idaho Code. Such an order shall be in the same form and have the same effect as a domestic violence protection order issued pursuant to chapter 63, title 39, Idaho Code. A protective order shall be for a period not to exceed three (3) months unless otherwise stated in the order.

(35) "Protective supervision" is a legal status created by court order in a child protective case whereby the child is in the legal custody of his or her parent(s), guardian(s) or other legal custodian(s), subject to supervision by the department.

(36) "Psychotropic medication" means a drug prescribed to affect psychological functioning, perception, behavior or mood. Psychotropic medications include, but are not limited to, antidepressants, mood stabilizers, antipsychotics, ~~anti-anxiety~~ antianxiety medications, sedatives and stimulants.

(37) "Reasonable and prudent parent standard" means the standard of care characterized by careful and sensible parental decisions that maintain the health, safety and best interests of a child while simultaneously encouraging the emotional and developmental growth of the child, that a caregiver shall use when determining whether to allow a child in foster care under the responsibility of the state to participate in extracurricular, enrichment, cultural or social activities.

(38) "Relative" means a child's grandparent, great grandparent, aunt, great aunt, uncle, great uncle, brother-in-law, sister-in-law, first cousin, sibling and half-sibling.

(39) "Residual parental rights and responsibilities" means those rights and responsibilities remaining with the parents after the transfer of legal custody including, but not necessarily limited to, the right of visitation, the right to consent to adoption, the right to determine religious affiliation, the right to family counseling when beneficial, and the responsibility for support.

(40) "Shelter care" means places designated by the department for temporary care of children pending court disposition or placement.

(41) "Supportive services," as used in this chapter, shall mean services which that assist parents with a disability to compensate for those aspects of their disability which that affect their ability to care for their child and which that will enable them to discharge their parental responsibilities. The term includes specialized or adapted training, evaluations or assistance with effectively using adaptive equipment and accommodations which that allow parents with a disability to benefit from other services including, but not limited to, Braille texts or sign language interpreters.

Approved March 27, 2017

CHAPTER 175
(S.B. No. 1069)

AN ACT

RELATING TO REAL ID; AMENDING SECTION 40-322, IDAHO CODE, TO PROVIDE THAT WHEN THE IDAHO TRANSPORTATION BOARD AND THE IDAHO TRANSPORTATION DEPARTMENT ACHIEVE APPROVAL BY THE DEPARTMENT OF HOMELAND SECURITY FOR ISSUANCE OF REAL ID COMPLIANT DRIVER'S LICENSES AND IDENTIFICATION CARDS, APPLICANTS SHALL BE OFFERED THE OPTION OF OBTAINING A REAL ID COMPLIANT OR A REAL ID NONCOMPLIANT DRIVER'S LICENSE OR IDENTIFICATION CARD, TO PROVIDE THAT APPLICANTS SHALL BE PROVIDED WITH SPECIFIED INFORMATION REGARDING REAL ID COMPLIANT AND REAL ID NONCOMPLIANT CARDS AND TO MAKE A TECHNICAL CORRECTION.

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

SECTION 1. That Section 40-322, Idaho Code, be, and the same is hereby amended to read as follows:

40-322. DIRECTIVE ON IMPLEMENTATION OF THE FEDERAL REAL ID ACT OF 2005. (1) The legislature finds that the enactment into law by the U.S. congress of the REAL ID act of 2005, as part of public law 109-13, was adopted by the U.S. congress in violation of the principles of federalism contained in the 10th amendment to the constitution of the United States. The legislature reaffirms this position, while acknowledging that failure to implement certain provisions could adversely affect Idaho's citizens and businesses. Furthermore, it is the intent of the legislature to continue to protect the privacy and security of the state's residents.

(2) The legislature hereby declares that the state of Idaho shall:

(a) Meet the requirements for driver's licenses and identification cards, as described in Title II of the REAL ID act of 2005, as such requirements existed on January 1, 2016;

(b) Not comply with any additional requirements enacted after January 1, 2016, without the express statutory approval of the Idaho state legislature;

(c) Submit compliance extension requests and status reports for the purposes outlined in paragraph (a) of this subsection to the United States department of homeland security.

(d) At such time as the Idaho transportation board and the Idaho transportation department achieve approval by the department of homeland security for issuance of REAL ID compliant driver's licenses and identification cards, any applicant for an Idaho driver's license or identification card shall be offered the option of obtaining a REAL ID compliant license or identification card or an Idaho driver's license or identification card that is not REAL ID compliant. In offering an applicant the option of a REAL ID compliant or REAL ID noncompliant driver's license or identification card, the department shall provide the applicant with written information of the following for both REAL ID compliant and noncompliant driver's licenses and identification cards:

(i) The purposes for which REAL ID compliant and noncompliant driver's licenses and identification cards are valid;

(ii) What types, if any, of electronic copies of source documents will be retained by the department for REAL ID compliant and noncompliant driver's licenses and identification cards;

(iii) Whether facial image capture will be retained by the department, even if a driver's license or identification card is not issued, for REAL ID compliant and noncompliant driver's licenses and identification cards; and

(iv) Any other information the department deems necessary to inform the applicant about REAL ID compliant and noncompliant driver's licenses and identification cards.

(3) This act shall be construed as to allow the Idaho transportation board and the Idaho transportation department to take reasonable and necessary steps to enhance the security of Idaho state driver's licenses and identification cards to ensure their acceptance for commercial airline travel within the United States.

(4) Beginning January 1, 2016, the department shall report to the senate transportation committee and the house of representatives transportation and defense committee on the acceptance of compliance extension requests and status reports to the United States department of homeland security, as set forth in subsection (2) of this section. Such report shall be submitted concurrently with the department's report on progress the department is making toward upgrading and implementing the division of motor vehicles' automated system. Such report shall be submitted no later than January 1 of each year through 2020, unless extended or revoked by the legislature.

Approved March 27, 2017

CHAPTER 176
(S.B. No. 1089)

AN ACT

RELATING TO WITNESSES IN CRIMINAL PROCEEDINGS; AMENDING SECTION 19-3023, IDAHO CODE, TO PROVIDE THAT FACILITY DOGS SHALL BE ALLOWED TO REMAIN AT THE WITNESS STAND WITH A CHILD DURING TESTIMONY IN CERTAIN INSTANCES AND TO DEFINE A TERM.

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

SECTION 1. That Section 19-3023, Idaho Code, be, and the same is hereby amended to read as follows:

19-3023. CHILD SUMMONED AS WITNESS. (1) When a child is summoned as a witness in any hearing in any criminal matter, including any preliminary hearing, notwithstanding any other statutory provision, parents, a counselor, friend or other person having a supportive relationship with the child, or a facility dog, shall be allowed to remain in the courtroom at the witness stand with the child during the child's testimony unless in written findings made and entered, the court finds that the defendant's constitutional right to a fair trial will be unduly prejudiced.

(2) When a child is summoned as a witness in any hearing in a noncriminal matter that involves the abuse, neglect or abandonment of the child, including any preliminary hearing, notwithstanding any other statutory provision, a facility dog shall be allowed to remain in the courtroom at the witness stand with the child during the child's testimony.

(3) For purposes of this section, "facility dog" means a dog that is a graduate of an assistance dog organization that is a member of assistance dogs international or a similar internationally recognized organization whose main purpose is to grant accreditation to assistance dog organizations based on standards of excellence in all areas of assistance dog acquisition, training and placement.

Approved March 27, 2017

CHAPTER 177
(S.B. No. 1092)

AN ACT

RELATING TO RENEWAL OF JUDGMENTS; AMENDING SECTION 10-1111, IDAHO CODE, TO PROVIDE THAT A RENEWED JUDGMENT MAY BE RECORDED IN THE SAME MANNER AS THE ORIGINAL JUDGMENT, AND THE LIEN ESTABLISHED THEREBY SHALL CONTINUE FOR TEN YEARS FROM THE DATE OF THE RENEWED JUDGMENT 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 10-1111, Idaho Code, be, and the same is hereby amended to read as follows:

10-1111. RENEWAL OF JUDGMENT -- LIEN. (1) Unless the judgment has been satisfied, at any time prior to the expiration of the lien created by section 10-1110, Idaho Code, or any renewal thereof, the court which that entered the judgment, other than a judgment for child support, may, upon motion, renew such judgment. The renewed judgment may be recorded in the same manner as the

original judgment, and the lien established thereby shall continue for ten (10) years from the date of the renewed judgment.

(2) Unless the judgment has been satisfied, and prior to the expiration of the lien created in section 10-1110, Idaho Code, or any renewal thereof, a court that has entered a judgment for child support may, upon motion, renew such judgment. The renewed judgment may be enforced in the same manner as the original judgment, and the lien established thereby shall continue for ten (10) years from the date of the renewed judgment.

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, 2017

CHAPTER 178
(S.B. No. 1111)

AN ACT

RELATING TO STOCKWATER RIGHTS; REPEALING CHAPTER 5, TITLE 42, IDAHO CODE, RELATING TO STOCKWATER RIGHTS; AMENDING TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 5, TITLE 42, IDAHO CODE, TO PROVIDE LEGISLATIVE INTENT, TO PROHIBIT THE ACQUISITION OF CERTAIN STOCKWATER RIGHTS, TO PROVIDE THAT CERTAIN PERMITTEES SHALL NOT BE CONSIDERED AGENTS OF THE FEDERAL GOVERNMENT, TO LIMIT THE USE OF CERTAIN STOCKWATER RIGHTS, TO PROVIDE FOR THE EFFECT OF AN ILLEGAL CHANGE OF OWNERSHIP OR TRANSFER, TO PROVIDE FOR SEVERABILITY, TO PROVIDE THAT SPECIFIED LAW SHALL BE CONTROLLING; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 5, Title 42, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Title 42, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 5, Title 42, Idaho Code, and to read as follows:

CHAPTER 5
STOCKWATER RIGHTS

42-501. LEGISLATIVE INTENT. In the landmark case of *Joyce Livestock Company v. United States of America*, 144 Idaho 1, 156 P.3d 502 (2007), the Idaho Supreme Court held that an agency of the federal government cannot obtain a stockwater right under Idaho law, unless it actually owns livestock and puts the water to beneficial use.

In *Joyce*, the court held that the United States:

"bases its claim upon the constitutional method of appropriation. That method requires that the appropriator actually apply the water to a beneficial use. Since the United States has not done so, the district court did not err in denying its claimed water rights."

The court also held that federal ownership or management of the land alone does not qualify it for stockwater rights. It opined:

"The United States claimed instream water rights for stock watering based upon its ownership and control of the public lands coupled with the Bureau of Land Management's comprehensive management of public lands under the Taylor Grazing Act...The argument of the United States reflects a misunderstanding of water law...As the United States has

held, Congress has severed the ownership of federal lands from the ownership of water rights in nonnavigable waters located on such lands."

The court went on to state:

"Under Idaho Law, a landowner does not own a water right obtained by an appropriator using the land with the landowner's permission unless the appropriator was acting as agent of the owner in obtaining that water right...If the water right was initiated by the lessee, the right is the lessee's property, unless the lessee was acting as the agent of the owner...The Taylor Grazing Act expressly recognizes that ranchers could obtain their own water rights on federal land."

A rancher is not unwittingly acting as an agent of a federal agency simply by grazing livestock on federally managed lands when he files for and receives a stockwater right.

It is the intent of the Legislature to codify and enhance these important points of law from the *Joyce* case to protect Idaho stockwater right holders from encroachment by the federal government in navigable and nonnavigable waters.

42-502. FEDERAL AGENCIES -- STOCKWATER RIGHTS. (1) No agency of the federal government, nor any agent acting on its behalf, shall acquire a stockwater right unless the agency owns livestock and puts the water to beneficial use. For purposes of this chapter, "stockwater rights" means water rights for the beneficial use for livestock.

(2) For the purposes of this chapter, a permittee on a federally administered grazing allotment shall not be considered an agent of the federal government.

42-503. LIMITS OF USE. If an agency of the federal government acquires a stockwater right, that stockwater right shall never be utilized for any purpose other than the watering of livestock.

42-504. EFFECT OF ILLEGAL CHANGE OF OWNERSHIP OR TRANSFER. Any application for a change in ownership or any application proposing to change the nature of use of a stockwater right that is in violation of the provisions of this chapter shall be denied.

42-505. 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.

42-506. PROVISIONS CONTROLLING OVER OTHER ACTS. Insofar as the provisions of this act are inconsistent with the provisions of any other law, the provisions of this act shall be controlling.

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 27, 2017

CHAPTER 179
(S.B. No. 1117)

AN ACT

RELATING TO RESERVES AND SURPLUS OF SELF-FUNDED INSURANCE PLANS; AMENDING SECTION 41-4010, IDAHO CODE, TO ALLOW THE DIRECTOR OF THE DEPARTMENT OF INSURANCE TO EXTEND THE PERIOD FOR MINIMUM SURPLUS REQUIREMENTS FOR A PERIOD NOT TO EXCEED TWELVE MONTHS IF CERTAIN CONDITIONS OCCUR FOR NEWLY FORMED PLANS WITH NO PRIOR OPERATING HISTORY.

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

SECTION 1. That Section 41-4010, Idaho Code, be, and the same is hereby amended to read as follows:

41-4010. RESERVES AND SURPLUS. (1) The trustee of a self-funded plan shall establish and maintain in the trust fund the following reserves:

(a) A reserve in an amount as certified by a qualified actuary as being necessary for payment of claims liability. The reserve shall be reasonably adjusted on a quarterly basis in an amount as determined by a qualified actuary or other qualified person if authorized by the director.

(b) If, under the plan, periodic contributions to the trust fund have been paid in advance or are payable less frequently than monthly, there shall be a reserve for unearned contributions as computed pro rata on the basis of the unexpired portion of the period for which the contribution has been paid.

(c) If future claims payments plus future costs of operation are greater than future contributions plus current reserves, there shall be a reserve in an amount equal to future claims payments plus future costs of operation, less future contributions, less current reserves.

(2) In any determination of the financial condition of the trust fund, the claims reserve, reserve for unearned contributions and contribution deficiency reserve shall constitute liabilities.

(3) In addition to reserves required by this section, a self-funded plan shall establish and maintain in its trust fund surplus equal to at least:

(a) The equivalence of three (3) months of contributions for the current plan year; or

(b) One hundred ten percent (110%) of the difference between the total dollar aggregate stop-loss attachment point plus costs of operation and the total dollar expected contributions for the current plan year.

(c) Paragraphs (a) and (b) of this subsection notwithstanding, a public postsecondary educational institution shall instead be required to establish and maintain in its trust fund surplus an amount equal to at least thirty percent (30%) of the unpaid claims liability of the plan.

(4) A surplus note that has been approved by the director in a form and as defined in section 41-2841, Idaho Code, may be used to fund surplus and shall not be accounted as a liability.

(5) Up to one-third (1/3) of the surplus required by this section may be funded by a clean, irrevocable letter of credit, in a form acceptable to the director, issued in favor of the trust fund by a federally or state chartered bank having a branch office in Idaho. Such irrevocable letter of credit cannot be guaranteed by pledge of any of the plan assets. The funding cannot be in the form of prepaid contributions or other loan or associated with an offsetting liability.

(6) A newly formed plan with no prior operating history shall meet the minimum surplus requirements no later than twelve (12) months after the date of initial operation. The director may extend for a reasonable period not

to exceed twelve (12) additional months, provided that the plan is meeting all other provisions of this chapter. For plans registered with the department and in existence on the effective date of this law, such plans shall have twenty-four (24) months from the effective date of this law in which to increase their surplus level to comply with the requirements of subsection (3) of this section.

(7) The trust fund shall maintain the minimum surplus requirements at all times throughout the year.

Approved March 27, 2017

CHAPTER 180
(S.B. No. 1137)

AN ACT

APPROPRIATING MONEYS TO THE SECRETARY OF STATE FOR FISCAL YEAR 2018; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES.

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

SECTION 1. There is hereby appropriated to the Secretary of State, the following amounts to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2017, through June 30, 2018:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
I. SECRETARY OF STATE:			
FROM:			
General			
Fund	\$2,167,800	\$1,003,400	\$3,171,200
II. COMMISSION ON UNIFORM STATE LAWS:			
FROM:			
General			
Fund		\$49,600	\$49,600
GRAND TOTAL	\$2,167,800	\$1,053,000	\$3,220,800

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Secretary of State is authorized no more than twenty-nine (29) full-time equivalent positions at any point during the period July 1, 2017, through June 30, 2018, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Secretary of State any unexpended and unencumbered balances appropriated to the Secretary of State for business entities information technology upgrades for fiscal year 2017, to be used for nonrecurring expenditures related to those upgrades for the period July 1, 2017, through June 30, 2018.

Approved March 27, 2017

CHAPTER 181
(S.B. No. 1083)

AN ACT

RELATING TO EMERGENCY COMMUNICATIONS OFFICERS; AMENDING SECTION 19-5101, IDAHO CODE, TO DEFINE A TERM; AMENDING SECTION 19-5116, IDAHO CODE, TO PROVIDE FOR EMERGENCY COMMUNICATIONS OFFICERS AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING CHAPTER 51, TITLE 19, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 19-5119, IDAHO CODE, TO PROVIDE THAT THE COUNCIL SHALL HAVE CERTAIN POWERS, TO PROVIDE STANDARDS OF TRAINING, EDUCATION AND EMPLOYMENT OF EMERGENCY COMMUNICATIONS OFFICERS, TO PROVIDE FOR CERTIFICATION, TO PROVIDE FOR CERTAIN PENALTIES AND TO PROVIDE FOR WHEN TRAINING AND CERTIFICATION SHALL BE COMPLETED.

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

SECTION 1. That Section 19-5101, Idaho Code, be, and the same is hereby amended to read as follows:

19-5101. DEFINITIONS. As used in this act:

(a) "Council" means the Idaho peace officer standards and training council.

(b) "County detention officer" means an employee in a county jail who is responsible for the safety, care, protection, and monitoring of county jail inmates.

(c) "Law enforcement" means any and all activities pertaining to crime prevention or reduction and law enforcement, including police, courts, prosecution, corrections, probation, rehabilitation, and juvenile delinquency.

(d) "Peace officer" means any employee of a police or law enforcement agency which is a part of or administered by the state or any political subdivision thereof and whose duties include and primarily consist of the prevention and detection of crime and the enforcement of penal, traffic or highway laws of this state or any political subdivision. "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 standards 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.

(e) "Political subdivision" means any city or county.

(f) "Emergency communications officer" means any emergency call taker or dispatcher whose primary responsibility is to receive or dispatch calls for emergency services in the state of Idaho.

SECTION 2. That Section 19-5116, Idaho Code, be, and the same is hereby amended to read as follows:

19-5116. PEACE OFFICERS STANDARDS AND TRAINING FUND. (a) There is hereby established in the state treasury, the peace officers standards and

training fund. All moneys deposited to the fund shall be expended by the peace officer standards and training council for the following purposes:

(1) Training peace officers, county detention officers, and self-sponsored students within the state of Idaho, including, but not limited to, sheriffs and their deputies, officers of the Idaho state police, and conservation officers of the Idaho department of fish and game, emergency communications officers, and city and county prosecutors and their deputies;

(2) Salaries, costs and expenses relating to such training as provided in subsection paragraph (1) of this subsection;

(3) Such capital expenditures as the peace officer standards and training council may provide for the acquisition, construction and/or improvement of a peace officer standards and training academy; and

(4) Such expenditures as may be necessary to aid approved peace officers training programs or county detention officer programs certified as having met the standards established by the peace officer standards and training council.

(b) The peace officers standards and training fund shall be funded as provided in sections 31-3201A and 31-3201B, Idaho Code.

(c) All contributions and other moneys and appropriations ~~which are~~ designated for peace officers standards and training shall be deposited in the peace officers standards and training fund.

(d) Moneys received into the fund as provided in subsection (c) of this section, shall be accounted for separately.

(e) If the fiscal year-end balance in the fund pursuant to sections 31-3201A and 31-3201B, Idaho Code, exceeds one million dollars (\$1,000,000), the excess shall revert to the general fund.

(f) Moneys received into the fund pursuant to the provisions of section 31-3201D, Idaho Code, shall be used for the purposes of providing basic training, continuing education and certification of misdemeanor probation officers, whether those officers are employees of or by private sector contract with a county.

SECTION 3. That Chapter 51, 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 19-5119, Idaho Code, and to read as follows:

19-5119. POWERS OF THE COUNCIL -- STANDARDS OF TRAINING, EDUCATION AND EMPLOYMENT OF EMERGENCY COMMUNICATIONS OFFICERS -- CERTIFICATION -- PENALTIES. (1) The council shall have the duty and the power to:

(a) Establish the requirements of minimum basic training for all emergency communications officers, in order to be eligible for permanent employment as an emergency communications officer, that can be completed within eighteen (18) months of employment as an emergency communications officer;

(b) Establish such basic training and certification, to include alternative authorized council training, so that certification can be attained within eighteen (18) months of employment as an emergency communications officer;

(c) Establish the requirements of minimum training standards for employment as an emergency communications officer in probationary, temporary, part-time and emergency situations;

(d) Certify emergency communications officers as having completed all requirements established by the council to be eligible for permanent employment as an emergency communications officer; and

(e) Maintain permanent files and transcripts for all emergency communications officers certified by the council, to include only courses or advanced courses of instruction successfully completed by such emergency communications officers and specifically required to obtain

and maintain emergency communications officer certification while employed in this state. Such information shall be made available by the council to any employer upon the receipt of a signed waiver from the emergency communications officer to release such files and transcripts.

(2) The council shall, upon recommendation of the Idaho public safety communications commission and pursuant to the requirements of this section, establish minimum basic training and certification standards for all emergency communications officers whose primary responsibility is to receive and dispatch calls for emergency services in the state of Idaho, and that can be completed within eighteen (18) months of employment.

(3) The council shall decertify any emergency communications officer convicted of any felony or offense that would be a felony if committed in this state. The council may decertify any emergency communications officer who:

(a) Is convicted of a misdemeanor;

(b) Willfully or otherwise falsifies or omits any information to obtain any certified status; or

(c) Violates any of the standards of conduct as established by the council's code of ethics, as adopted and amended by the council.

All decertification proceedings taken by the council shall be conducted in accordance with chapter 52, title 67, Idaho Code.

(4) Any emergency communications officers who begin employment after July 1, 2017, shall be trained and certified within eighteen (18) months of employment. Current emergency communications officers who began employment between July 1, 2012, and June 30, 2017, shall comply with the training and certification provisions of this section by January 1, 2019. Current emergency communications officers who began employment prior to July 1, 2012, may comply with the training and certification provisions of this section at the discretion of their employers.

Approved March 27, 2017

CHAPTER 182
(S.B. No. 1113)

AN ACT

RELATING TO THE IDAHO CRIMINAL JUSTICE SYSTEM; AMENDING SECTION 20-210, IDAHO CODE, TO REVISE THE COMPOSITION OF THE BOARD, TO PROVIDE THAT CERTAIN MEMBERS OF THE BOARD MAY MEET TO MAKE CERTAIN DECISIONS AND TO REVISE COMPENSATION FOR BOARD MEMBERS; AMENDING SECTION 20-213A, IDAHO CODE, TO PROVIDE THAT CERTAIN MEETINGS BY LESS THAN A MAJORITY OF THE COMMISSION SHALL BE EXEMPT FROM THE OPEN MEETINGS LAW, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 20-219, IDAHO CODE, TO PROVIDE THAT A HEARING SHALL NOT BE REQUIRED IN RULES REGARDING CERTAIN SANCTIONS AND REWARDS; AMENDING SECTION 20-223, IDAHO CODE, TO PROVIDE LEGISLATIVE INTENT, TO PROVIDE CERTAIN RULEMAKING AUTHORITY, TO PROVIDE THAT THE COMMISSION SHALL CONSIDER CERTAIN FACTORS IN MAKING ANY PAROLE OR COMMUTATION DECISION, TO REVISE PROVISIONS REGARDING CERTAIN RULEMAKING AUTHORITY, TO REVISE A PROVISION REGARDING PROGRAMMING, TO REVISE A PROVISION REGARDING REPORTING REQUIREMENTS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 20-229B, IDAHO CODE, TO REVISE TERMINOLOGY, TO REVISE A PROVISION REGARDING COMMISSION RULINGS AND TO REMOVE PROVISIONS REGARDING COMMISSION RULINGS; AND AMENDING SECTION 19-2513, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES.

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

SECTION 1. That Section 20-210, Idaho Code, be, and the same is hereby amended to read as follows:

20-210. COMMISSION OF PARDONS AND PAROLE -- APPOINTMENT -- QUALIFICATIONS -- TERMS -- SALARY -- STAFF. The governor shall appoint a state commission of pardons and parole, each member of which shall be subject to the advice and consent of the senate, in this chapter referred to as the commission, 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.

The commission shall be composed of ~~five~~ seven (57) members. The members shall serve at the pleasure of the governor and not more than ~~three~~ four (34) members shall be from any one (1) political party.

The members of the commission shall be appointed for the purposes of organization as follows: Members on the commission on the effective date of this act, shall serve out the remainder of their terms; thereafter, as members' terms expire, the governor shall reappoint them or appoint new members to serve terms of three (3) years; vacancies in the commission for unexpired terms shall be by appointment by the governor for the remainder of the term and all appointees may be reappointed.

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

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.

Two (2) members of the commission 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.

Three (3) members of the commission 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.

The members 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. The members shall receive compensation of ~~two~~ three hundred dollars (\$2300) per member 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.

The governor will liberally allow the reasonable payment for services of such technical and professional advice and consultation as the commission may require. 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 and shall schedule hearing sessions at times convenient to the members of the commission. For each scheduled session, the executive director shall designate one (1) of the members of the commission 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 2. That Section 20-213A, Idaho Code, be, and the same is hereby amended to read as follows:

20-213A. COMPLIANCE WITH OPEN MEETINGS LAW -- EXECUTIVE SESSIONS AUTHORIZED -- REPORT REQUIRED. (1) All meetings of the commission of pardons and parole shall be held in accordance with the open meetings law as provided in chapter 232, title 6774, Idaho Code, except:

(a) Deliberations and decisions concerning the granting, revoking, reinstating or refusing of paroles, or the granting or denying of pardons or commutations, may be made in executive session; and

(b) Votes of individual members in arriving at the parole, pardon or commutation decisions shall not be made public, provided that the commission shall maintain a record of the votes of the individual members as required in subsection (2) of this section; and

(c) 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 20-210, Idaho Code.

(2) A written record of the vote to grant or deny parole, pardon or commutation, by each commission member in each case reviewed by that member shall be produced 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 and 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. 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.

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

(4) Nothing contained herein shall prevent the executive director for the commission or designated staff of the executive director from attending any meeting, including an executive session of the commission of pardons and parole.

(5) Nothing contained herein shall prevent the governor and chairman of the senate judiciary and rules committee and the chairman of the house of representatives judiciary, rules and administration committee from attending any meeting, including an executive session of the commission of pardons and parole.

SECTION 3. That Section 20-219, Idaho Code, be, and the same is hereby amended to read as follows:

20-219. PROBATION AND PAROLE SUPERVISION AND TRAINING -- LIMITED SUPERVISION -- RULEMAKING. (1) The state board of correction shall be charged with the duty of:

(a) Supervising all persons convicted of a felony placed on probation to the board;

(b) Supervising all persons released from the state penitentiary on parole;

(c) Supervising all persons convicted of a felony released on parole or probation from other states and residing in the state of Idaho;

(d) Program delivery, as "program" is defined in section 20-216, Idaho Code, to all persons under its probation or parole supervision based on individual criminal risk factors and specific needs;

(e) Making such investigations as may be necessary;

(f) Reporting alleged violations of parole in specific cases to the commission to aid in determining whether the parole should be continued or revoked;

(g) Reporting alleged violations of the terms or conditions of probation in specific cases to the court and the prosecuting attorney to aid in determining whether the probation should be continued or revoked;

(h) Preparing a case history record of the prisoners to assist the commission or the courts in determining if they should be paroled or should be released on probation; and

(i) Supervising juveniles convicted as adults with a blended sentence pursuant to and in the manner described in section 19-2601A, Idaho Code.

(2) Any person placed on probation or parole and who has been designated as a violent sexual predator pursuant to chapter 83, title 18, Idaho Code, shall be monitored with electronic monitoring technology for the duration of the person's probation or parole period. Any person who, without authority, intentionally alters, tampers with, damages, or destroys any electronic monitoring equipment shall be guilty of a felony.

(3) The state board of correction shall have the discretion to determine the level of supervision of all persons under its supervision, except those who are being supervised by a problem solving court. "Level of supervision" includes the determination of the following:

(a) The frequency, location, methods and nature of contact with the supervising officer;

(b) Testing requirements and frequency;

(c) Contact restrictions;

(d) Curfew restrictions; and

(e) Reporting requirements.

(4) Subject to the availability of moneys, caseloads for supervising officers who are supervising offenders determined by the department of correction's validated risk assessment to be high or moderate risk of rearrest should not exceed an average of fifty (50) offenders per supervising officer.

(5) In carrying out its duty to supervise felony probationers and parolees, the state board of correction shall use evidence-based practices, shall target the offender's criminal risk and need factors with appropriate supervision and intervention and shall focus resources on those identified by the board as moderate-risk and high-risk offenders. The supervision shall include:

(a) Use of validated risk and needs assessments of the offender that measure criminal risk factors, specific individual needs and driving variable supervision levels;

(b) Use of assessment results to guide supervision responses consistent with evidence-based practices as to the level of supervision and the practices used to reduce recidivism;

(c) Collateral and personal contacts with the offender and community that may be unscheduled and which shall occur as often as needed based on the offender's supervision level and risk of reoffense and based on the need to stay informed of the offender's conduct, compliance with conditions and progress in community-based intervention;

(d) Case planning for each offender assessed as moderate to high risk to reoffend; and

(e) Use of practical and suitable methods that are consistent with evidence-based practices to aid and encourage the offender to improve his or her conduct and circumstances so as to reduce the offender's risk of recidivism.

(6) The state board of correction shall provide all supervising officers with initial and ongoing training and professional development services to support the implementation of evidence-based supervision practices. All supervising officers employed as of the effective date of

this section shall complete the training requirements set forth in this subsection on or before July 1, 2016. All supervising officers hired after the effective date of this section shall complete the training requirements set forth in this subsection within two (2) years of their hire date. The training and professional development services shall include:

- (a) Assessment techniques;
- (b) Case planning;
- (c) Risk reduction and intervention strategies;
- (d) Effective communication skills;
- (e) Behavioral health needs;
- (f) Application of core correctional practices, including motivational interviewing, cognitive restructuring, structured skill building, problem solving, reinforcement and use of authority;
- (g) Training for supervising officers to become trainers so as to ensure long-term and self-sufficient training capacity in the state; and
- (h) Other topics identified by the board as evidence-based practices.

(7) The state board of correction shall promulgate rules in consultation with the Idaho supreme court to:

- (a) Establish a program of limited supervision for offenders who qualify addressing eligibility, risk and needs assessments, transfers among levels of supervision and reporting to the court and the prosecuting attorney.
- (b) Establish a matrix of swift, certain and graduated sanctions and rewards to be imposed by the board, without the necessity of a hearing, in response to corresponding violations of or compliance with the terms or conditions imposed. Sanctions for violations shall include, but are not limited to, community service, increased reporting, curfew, submission to substance use assessment, monitoring or treatment, submission to cognitive behavioral treatment, submission to an educational or vocational skills development program, submission to a period of confinement in a local correctional facility for no more than three (3) consecutive days and house arrest. Rewards for compliance shall include, but are not limited to, decreased reporting and transfer to limited supervision.

SECTION 4. That Section 20-223, Idaho Code, be, and the same is hereby amended to read as follows:

20-223. PAROLE AND RULES GOVERNING -- RESTRICTIONS -- PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION. (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 section 19-2513, Idaho Code, the commission shall have the power to establish rules in compliance with chapter 52, title 67, Idaho Code, 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.

(23) 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 must 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 which is hereby created in the state treasury and utilized for the extradition of parole violators.

(34) No person serving a sentence for rape, incest, committing a lewd act upon a child, crime against nature, or with an intent or an assault with intent to commit any such crimes, or whose history and conduct indicate to the commission that he 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 of correction 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 above enumerated. 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 he be granted parole.

(45) 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 designated commission staff. 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 information, 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 and/or any of its members in any court in connection with any decision taken by the commission to parole a prisoner and neither the commission nor its members shall be liable in any way for its action with respect thereto.

(56) 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 which 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.

(67) Except as provided in subsection (12) of this section, no provision of chapter 52, title 67, Idaho Code, shall apply to the commission.

(78) Subject to the limitations of this subsection and notwithstanding any fixed term of confinement or minimum period of confinement as provided in section 19-2513, Idaho Code, the commission may parole an inmate for medical reasons. A prisoner may be considered for medical parole only when the prisoner is permanently incapacitated or terminally ill and when the commission reasonably believes the prisoner no longer poses a threat to the safety of society. For the purposes of this section, "permanently incapacitated" shall mean a person who, by reason of an existing physical condition which that is not terminal, is permanently and irreversibly physically incapacitated. For the purposes of this section "terminally ill" shall mean a person

who has an incurable condition caused by illness or disease and who is irreversibly terminally ill.

(89) The commission shall prepare and send to the house of representatives and senate judiciary committees annually a report containing the names, medical condition and current status of all persons granted parole pursuant to subsection (78) of this section.

(910) The department of correction shall promulgate rules in consultation with the commission to prepare prisoners for parole upon completing the fixed portion of the unified sentence based on current risk assessment, criminal history, institutional behavior and programming completion. The department of correction shall give prisoners access to programming so that prisoners will have an opportunity to complete create sufficient programming to be opportunities, such that lack of access to programming is not the primary cause in delaying parole eligible upon completing their fixed sentence eligibility. The department shall promulgate rules to include case plan development upon entry into prison so that programming can be completed before the first parole eligibility date and a current risk assessment before all parole hearings.

(10) It is the intent of the legislature to focus prison space on the most violent or greatest risk prisoners. To help accomplish this goal, the commission shall promulgate rules that establish clear guidelines and procedures that retain the commission's discretion in individual cases while achieving a reduction in the overall average percentage of time spent beyond the fixed term for prisoners who have been convicted of a property or drug offense. Such rules shall allow current risk assessment, past criminal history, program completion, institutional misconduct and other individual characteristics related to the likelihood of offending in the future to be factored into when a release decision is made while still working to accomplish the overarching goal of the legislature.

(11) By February 1, 2015, and by February 1 of each year thereafter, the department of correction and the commission shall submit a report to the legislature and governor that describes the percentage of people sentenced to a term in prison for a property or drug offense conviction who are released before serving one hundred fifty percent (150%) of the fixed portion of the sentence, and that documents the most common reasons for people whose release was delayed or denied delay or denial of release, including statistical data supporting the conclusions of the report.

SECTION 5. That Section 20-229B, Idaho Code, be, and the same is hereby amended to read as follows:

20-229B. COMMISSION RULINGS. (1) After a factual parole revocation hearing has been concluded, the member or members of the commission for pardons and parole or the designated hearing officer, having heard the matter, shall enter render a decision within twenty (20) days. If the alleged parole violator waives the parole hearing pursuant to the provisions of section 20-229A(3), Idaho Code, then a decision shall be entered upon acceptance of the waiver.

(2) If the member or members or hearing officer, having heard the matter, should conclude that the allegations of violation of the conditions of parole have not been proven by a preponderance of the evidence, or those which have been proven by a preponderance of the evidence are not sufficient cause for the revocation of parole, then the parolee shall be reinstated on parole on the same or modified conditions of parole.

(3) Except as otherwise provided in subsection (4) of this section, if the member or members or hearing officer, having heard the matter, should conclude that the allegations of violation of the conditions of parole have been proven by a preponderance of the evidence and the violation does not result from either conduct that is sexual or violent in nature or a formal

~~charge of a new felony or violent misdemeanor, then the commission or the hearing officer shall:~~

~~(a) Cause the parolee to be confined for a period of up to ninety (90) days effective immediately upon entering the decision;~~

~~(b) For a second parole violation, cause the parolee to be confined for a period of up to one hundred eighty (180) days effective immediately upon entering the decision; or~~

~~(c) For a third or subsequent parole violation, convene constitute sufficient cause for the revocation of parole, then a dispositional hearing shall be convened during a regular session of the commission to execute impose any sanctions up to and including executing an order of parole revocation and determine the period of time the parole violator shall be returned to state custody.~~

~~(4) If the member or members or hearing officer, having heard the matter, should conclude that the allegations of violation of parole by absconding supervision have been proven by a preponderance of the evidence, then the commission or the hearing officer shall:~~

~~(a) Cause the parolee to be confined for a period of up to one hundred eighty (180) days effective immediately upon entering the decision; or~~

~~(b) For a second or subsequent parole violation by absconding supervision, convene a dispositional hearing during a regular session of the commission to execute an order of parole revocation and determine the period of time the parole violator shall be returned to state custody.~~

~~(5) If the commission or the hearing officer causes a parolee to be confined under subsection (3) (a), (3) (b) or (4) (a) of this section, then the commission or the hearing officer may reduce the period of confinement by up to thirty (30) days if the commission or the hearing officer finds that there has been no instance of misconduct during the period of time the parolee is confined.~~

~~(6) Upon completion of a term of confinement under this section, accounting for any reduction in subsection (5) of this section, the parolee shall be released to parole supervision.~~

SECTION 6. 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 20-223(78), 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 20-223(78), 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.

Approved March 27, 2017

CHAPTER 183
(H.B. No. 119)

AN ACT

RELATING TO THE REAL ESTATE APPRAISER BOARD; AMENDING SECTION 54-4113, IDAHO CODE, TO AUTHORIZE THE REAL ESTATE APPRAISER BOARD TO COLLECT FEES NECESSARY TO PROVIDE APPRAISAL MANAGEMENT SERVICES IN CONNECTION WITH FEDERALLY RELATED TRANSACTIONS FROM AN APPRAISAL MANAGEMENT COMPANY AND REMIT THEM TO THE APPROPRIATE AGENCY OF THE FEDERAL GOVERNMENT AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 54-4113, Idaho Code, be, and the same is hereby amended to read as follows:

54-4113. FEES -- ISSUANCE OF LICENSES OR CERTIFICATES. (1) Every person applying for examination or reexamination under this chapter shall pay a fee equal to that charged by the national examining entity. If the result of the examination of any applicant shall be satisfactory to the board, under its rules, it shall issue to such applicant a license or certificate setting forth the fact that he is a state licensed or certified real estate appraiser and authorized to practice his profession in this state. The fee for obtaining a license or certificate under the provisions of this chapter shall be an amount not to exceed five hundred dollars (\$500). The annual fee for renewal or reinstatement of a license or certificate shall be an amount not to exceed five hundred dollars (\$500), which shall be paid to the bureau. The board shall adopt all fees by rule.

(2) In addition to those fees described in this ~~section~~ chapter, the board may collect from applicants for licensure or certification and holders of state licenses or certificates of appraisal and remit to the appropriate agency or instrumentality of the federal government, any additional fees as may be required to render Idaho state licensed residential, certified residential and general real estate appraisers eligible to perform appraisals in connection with ~~federally-related~~ federally related transactions.

(3) In addition to those fees described in this chapter, the board may collect from an applicant for appraisal management company registration and from a registered appraisal management company and remit to the appropriate agency or instrumentality of the federal government any additional fees required to provide appraisal management services in connection with federally related transactions.

(4) The board may collect continuing education provider application fees in an amount not to exceed one hundred dollars (\$100) as established by board rule.

Approved March 27, 2017

CHAPTER 184
(H.B. No. 120)

AN ACT

RELATING TO MORTICIANS AND FUNERAL DIRECTORS; AMENDING CHAPTER 11, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-1110, IDAHO CODE, TO AUTHORIZE THE IDAHO BOARD OF MORTICIANS TO ISSUE INACTIVE LICENSES TO MORTICIANS AND FUNERAL DIRECTORS AND TO PROMULGATE RULES GOVERNING INACTIVE LICENSES.

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

SECTION 1. That Chapter 11, 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 54-1110, Idaho Code, and to read as follows:

54-1110. INACTIVE LICENSES. The board may issue inactive licenses to morticians and funeral directors pursuant to rules adopted by the board that may specify the terms, procedures and fees necessary to maintain an inactive license. The holder of an inactive license shall not engage in any practice requiring a license under this chapter.

Approved March 27, 2017

CHAPTER 185
(H.B. No. 121)

AN ACT

RELATING TO DRIVING BUSINESSES; AMENDING SECTION 54-5405, IDAHO CODE, TO REVISE PROVISIONS REGARDING LICENSE REQUIREMENTS AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 54-5405, Idaho Code, be, and the same is hereby amended to read as follows:

54-5405. DRIVING BUSINESSES -- LICENSE REQUIREMENTS. (1) No private driver training business shall be established nor shall any existing business continue to operate unless the business applies for and obtains from the board a license ~~which~~ that expires on the license issue date and must be renewed annually. The application for license shall include the name of the owner, a satisfactory fingerprint-based criminal history check of the Idaho central criminal database and the federal bureau of investigation criminal history database, the location of the business, a certificate of occupancy for a business that offers classroom instruction in a physical classroom location, a certificate of automobile insurance, a list of licensed instructors, proof of an annual vehicle check, board-approved curriculum components and a course of instruction for students, which shall include the following:

- (a) Not less than thirty (30) hours of classroom instruction;
- (b) Not less than six (6) hours of behind-the-wheel practice driving;
- and
- (c) Not less than six (6) hours of observation.

(2) Any private driver training business or driving instructor licensed pursuant to this chapter shall be exempt from the provisions of title 33, Idaho Code, that regulate driver education as long as such license

is current and valid and the private driver training business or driving instructor is acting pursuant to activities that the license permits.

(3) Any driving business licensed pursuant to this chapter may contract with a public school to provide driver education. Any driving business that contracts with a public school to provide driver education may be allowed to use the services of any or all of the driving instructors of that driving business. Once a person has been licensed as a driving instructor, that person is authorized to teach in any approved driver education program.

~~(4) If the board granted any business a license without the satisfactory fingerprint-based criminal history check as provided in subsection (1) of this section, such licensee shall obtain and submit the required fingerprint-based criminal history check to the board on or before the date of the licensee's first renewal occurring after the effective date of this act~~ A driving business shall ensure that each of its employees and persons under its control who provides driver education to its students is at all times licensed under this chapter as a driving instructor or permitted as a driving instructor apprentice.

Approved March 27, 2017

CHAPTER 186
(H.B. No. 122)

AN ACT

RELATING TO ARCHITECTS; AMENDING SECTION 54-302A, IDAHO CODE, TO REVISE PROVISIONS REGARDING LICENSE BY ENDORSEMENT AND TEMPORARY PRACTICE AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 54-302A, Idaho Code, be, and the same is hereby amended to read as follows:

54-302A. LICENSE BY ENDORSEMENT -- TEMPORARY PRACTICE. 1. Applicants may be licensed by endorsement, if:

- a. The applicant holds a current and valid license issued by another state, a licensing authority recognized by the board; and
- b. The applicant holds a national council of architectural registration boards certificate or has successfully completed a board-approved examination; and
- c. The applicant pays the fees specified in section 54-304, Idaho Code, files an application with the board, upon a form prescribed by the board, containing such information satisfactory to the board concerning the applicant as the board considers pertinent.

2. An architect, not licensed in this state, seeking an architectural commission in this state, shall be permitted to practice in the state for a period not to exceed six (6) months, for the purpose of offering to render architectural services and for that purpose only, without first having been licensed by the board, if:

- a. The applicant holds a current and valid license issued by a licensing authority recognized by the board; and
- b. The applicant holds a national council of architectural registration boards certificate or has successfully completed a board-approved examination; and
- c. The applicant notifies the board in writing, prior to any practice, including evidence to satisfy ~~subsections 2 paragraphs a. and 2b.~~ of this subsection, that he will be present in the state for the purpose of offering to render architectural services; and

d. The applicant pays the fee as specified by section 54-304, Idaho Code, and set by board rule.

3. Persons allowed to offer architectural services under subsection 2. of this section are prohibited from doing more than offering such services or actually rendering architectural services until fully licensed by the board. Violation of this provision, if found by the board after a hearing under chapter 52, title 67, Idaho Code, constitutes grounds for refusal to issue a license.

Approved March 27, 2017

CHAPTER 187
(H.B. No. 142)

AN ACT

RELATING TO PROCUREMENT BY STATE INSTITUTIONS OF HIGHER EDUCATION; AMENDING SECTION 67-9225, IDAHO CODE, TO PROVIDE THAT STATE INSTITUTIONS OF HIGHER EDUCATION MUST PROCURE PROPERTY FROM AN OPEN CONTRACT EXCEPT UNDER CERTAIN CIRCUMSTANCES.

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

SECTION 1. That Section 67-9225, Idaho Code, be, and the same is hereby amended to read as follows:

67-9225. PROCUREMENT BY STATE INSTITUTIONS OF HIGHER EDUCATION. (1) A state institution of higher education may establish policies and procedures for procuring property that shall be substantially consistent with the requirements for procuring property as set forth in this chapter and that shall be approved by the state board of education. When the state board of education has approved such policies and procedures for a state institution of higher education, the institution shall not be subject to the provisions of this chapter, except as provided in subsection (2) of this section.

(2) When the state enters into an open contract, ~~no a state institution of higher education shall fail to~~ must use such the open contract, ~~provided however, that if the, or the institution may procure property to be acquired may be procured at equal or less expense to the institution from a vendor that is not party to the open contract, then the institution may, at the institution's discretion, procure if the cost to the institution would be equal to or less than the price of the property from the nonparty vendor under the open contract.~~

Approved March 27, 2017

CHAPTER 188
(H.B. No. 143)

AN ACT

RELATING TO STATE PROCUREMENT; AMENDING SECTION 67-9224, IDAHO CODE, TO PROVIDE THAT THE ADMINISTRATOR MAY AUTHORIZE AN AGENCY TO PARTICIPATE IN A COOPERATIVE PURCHASING AGREEMENT, TO PROVIDE THAT THE ADMINISTRATOR MAY AUTHORIZE AN AGENCY TO UTILIZE CONTRACTS OF CERTAIN OTHER AGENCIES, TO PROVIDE THAT CERTAIN AGREEMENTS BE MADE IN WRITING, TO REVISE PROVISIONS REGARDING ENTRANCE OR PARTICIPATION FEES, TO PROVIDE THAT CERTAIN AGREEMENTS SHALL BE MAINTAINED ON FILE AND TO REMOVE PROVISIONS REGARDING PROPERTY ACQUIRED PURSUANT TO THIS SECTION.

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

SECTION 1. That Section 67-9224, Idaho Code, be, and the same is hereby amended to read as follows:

67-9224. COOPERATIVE AND GROUP DISCOUNT PURCHASING. (1) The administrator may authorize an agency to:

(a) Bbecome a participating member of a group discount purchasing organization if the administrator finds that:

~~(a) The property to be acquired is at least equal in quality to same or similar property that the agency uses;~~

~~(b) The property to be acquired is less costly to the state than if acquired by other means authorized in this chapter~~ Participate in, sponsor, conduct or administer a cooperative purchasing agreement for property with one (1) or more public agencies, independent of the requirements of section 67-2329, Idaho Code; or

(c) Utilize contracts of other public agencies within this state upon determining that the contract was let in a manner that constitutes competitive bidding consistent with the requirements of this chapter and is otherwise in the best interest of the state.

~~(2) The state's participation in the a cooperative purchase or group discount purchasing organization is must be formalized by a written contract that extends for no longer than one (1) year at a time; and agreement.~~

~~(d3) The state's entrance fee or participation fee in the a group discount purchasing organization is must be based on criteria applied to all other members of the organization.~~

~~(24) Any contract agreement entered into pursuant to subsection (2) of this section shall be maintained on file with the division as well as with the agency entering into the contract agreement.~~

~~(3) Property acquired pursuant to this section shall be used solely by the state and may not be transferred from state ownership until it is no longer of use to the state. Such property may not be provided to individuals except those in the custody of the state or those receiving direct personal services from the state.~~

Approved March 27, 2017

CHAPTER 189
(H.B. No. 168)

AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-111, IDAHO CODE, TO REVISE MONEYS TO BE DEPOSITED INTO THE FISH AND GAME SET-ASIDE ACCOUNT; AND AMENDING SECTION 36-406, IDAHO CODE, TO REVISE MONEYS TO BE DEPOSITED INTO THE FISH AND GAME SET-ASIDE ACCOUNT AND TO MAKE CODIFIER'S CORRECTIONS.

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

SECTION 1. That Section 36-111, Idaho Code, be, and the same is hereby amended to read as follows:

36-111. FISH AND GAME SET-ASIDE ACCOUNT. (1) There is hereby established the fish and game set-aside account in the dedicated fund. The account shall have paid into it moneys as follows:

(a) ~~Four dollars~~ Fifty percent (~~\$4.00~~50%) of each steelhead trout or anadromous salmon permit sold, except that class 7 permits shall be exempt from this provision. Moneys from this source shall be used for the acquisition, development and maintenance of parking areas, access sites, boat ramps and sanitation facilities in salmon and steelhead fishing areas, for management of and research on steelhead trout and anadromous salmon problems, and for technical assistance with litigation concerning steelhead and anadromous salmon originating in Idaho.

(b) Two dollars (\$2.00) from each combination hunting and fishing license, or each hunting license sold, as provided in sections 36-406 and 36-407, Idaho Code, except that class 4 and class 7 licenses shall be exempt from this provision. Moneys from this source shall be used for the purposes of acquiring access to and acquiring and rehabilitating big game ranges and upland bird and waterfowl habitats. Unless it is inconsistent with the goals of the commission, it is the intent of the legislature that the commission negotiate lease arrangements as compared with outright purchase of private property.

(c) One dollar and fifty cents (\$1.50) from each pronghorn antelope, elk and deer tag sold as provided in section 36-409, Idaho Code, except that class 7 tags shall be exempt from this provision. Not less than seventy-five cents (75¢) of each one dollar and fifty cents (\$1.50) collected shall be placed in a separate account to be designated as a feeding account. Moneys in this account shall be used exclusively for the purposes of actual supplemental winter feeding of pronghorn antelope, elk and deer. Moneys shall be used solely for the purchase of blocks, pellets and hay for such winter feeding purposes and/or for the purchase of seed or other material that can be shown to directly provide feed or forage for the winter feeding of pronghorn antelope, elk and deer. The balance of moneys realized from this source may be used for the control of depredation of private property by pronghorn antelope, elk and deer and control of predators affecting pronghorn antelope, elk and deer. Moneys in the feeding account shall not be used for any purpose other than winter feeding as herein specified. Moneys in the feeding account may not be expended except upon the declaration of a feeding emergency by the director of the department of fish and game. Such emergency need not exist on a statewide basis but can be declared with respect to one (1) or more regions of the state. The department shall by rule establish the criteria for a feeding emergency. The department shall submit a yearly report to the senate resources and environment committee and the house resources and conservation committee of the legislature on or

before July 31, detailing how funds in the feeding account have been expended during the preceding fiscal year.

(d) Those amounts designated by individuals in accordance with section 63-3067A(3)(a), Idaho Code, and from fees paid under the provisions of section 49-417, Idaho Code. Moneys from these sources shall be used for a nongame management and protection program under the direction of the fish and game commission.

(e) Money derived from the assessment of processing fees. Moneys derived from this source shall be used as provided in section 36-1407, Idaho Code.

(2) Moneys in the fish and game set-aside account and the feeding account established in subsection (1)(c) of this section are subject to appropriation and the provisions of section 67-3516, Idaho Code. Moneys in the fish and game set-aside account and the feeding account shall be invested by the state treasurer in the manner provided for investment of idle state moneys in the state treasury by section 67-1210, Idaho Code, with interest earned on investments from each account to be paid into that account.

SECTION 2. That Section 36-406, Idaho Code, be, and the same is hereby amended to read as follows:

36-406. RESIDENT FISHING, HUNTING AND TRAPPING LICENSES -- FEES. (a) Adult Licenses -- Combination -- Fishing -- Hunting -- Trapping. A license of the first class may be had by a person possessing the qualifications therein described on payment of a fee as specified in section 36-416, Idaho Code, for a combined fishing and hunting license entitling the purchaser to hunt and fish for game animals, game birds, unprotected and predatory wildlife and fish of the state, a fee as specified in section 36-416, Idaho Code, for a fishing license entitling the purchaser to fish in the public waters of the state, a fee as specified in section 36-416, Idaho Code, for a hunting license entitling the purchaser to hunt game animals, game birds, unprotected and predatory wildlife of the state, and a fee as specified in section 36-416, Idaho Code, for a trapping license entitling the purchaser to trap wolves, furbearing animals and unprotected and predatory wildlife of the state.

(b) Junior Licenses -- Hunting -- Trapping. A license of the second class may be had by a person possessing the qualifications therein described on payment of a fee as specified in section 36-416, Idaho Code, for a hunting license, and a fee as specified in section 36-416, Idaho Code, for a trapping license entitling the purchaser to the same privileges as the corresponding license of the first class provides.

(c) Junior Combination -- Fishing Licenses. A license of the third class may be purchased by a person possessing the qualifications therein described on payment of a fee as specified in section 36-416, Idaho Code, for a combined fishing and hunting license, and a fee as specified in section 36-416, Idaho Code, for a fishing license entitling the purchaser to the same privileges as the corresponding license of the first class provides.

(d) Senior Resident Combination. A license of the fourth class may be had by a person possessing the qualifications therein described on payment of a fee as specified in section 36-416, Idaho Code, for a combined fishing and hunting license entitling the purchaser to the same privileges as the corresponding license of the first class provides.

(e) Lifetime Licenses -- Combination -- Hunting -- Fishing. A license of the fifth class may be obtained at no additional charge by a person possessing the qualifications therein described for a combined hunting and fishing license, for a hunting license, or for a fishing license, entitling the person to the same privileges as the corresponding license of the first class provides. Lifetime licensees must be certified under the provisions of section 36-413, Idaho Code, before being issued a license to hunt.

(f) A license of the eighth class may be had by a person possessing the qualifications therein described on payment of a fee as specified in section 36-416, Idaho Code, entitling the purchaser to hunt and fish for game animals, game birds, fish, and unprotected and predatory wildlife of the state. With payment of the required fee, a person shall receive with this license a deer tag, an elk tag, a bear tag, a turkey tag, a mountain lion tag, a wolf tag, an archery hunt permit, a muzzleloader permit, a steelhead trout permit and an anadromous salmon permit. The director shall promptly transmit to the state treasurer all moneys received pursuant to this subsection for deposit as follows:

- (i) ~~Four~~ Five dollars and fifty cents (~~\$4.00~~5.50) in the fish and game set-aside account for the purposes of section 36-111(1)(a), Idaho Code;
- (ii) Two dollars (\$2.00) in the fish and game set-aside account for the purposes of section 36-111(1)(b), Idaho Code;
- (iii) One dollar and fifty cents (\$1.50) in the fish and game set-aside account for the purposes of section 36-111(1)(c), Idaho Code; and
- (iv) The balance in the fish and game account.

All persons purchasing a license pursuant to this subsection shall observe and shall be subject to all rules of the commission regarding the fish and wildlife of the state.

If the purchaser of this license does not meet the archery education requirements of section 36-411(b), Idaho Code, then, notwithstanding the provisions of section 36-304, Idaho Code, the archery hunt permit portion of this license is invalid. The fee for this license will not change and the license must be issued without the archery permit validation.

(g) Disabled Persons Licenses -- Combination -- Fishing. A license of the first class may be had by any resident disabled person on payment of a fee as specified in section 36-416, Idaho Code, for a combined fishing and hunting license, and a fee as specified in section 36-416, Idaho Code, for a fishing license, entitling the purchaser to the same privileges as the corresponding license of the first class provides. A disabled person means a person who is deemed disabled by one (1) or more, but not necessarily all, of the following: the railroad retirement board pursuant to title 45 of the United States Code, or certified as eligible for federal supplemental security income (SSI); or social security disability income (SSDI); or a nonservice-connected veterans pension; or a service-connected veterans disability benefit with forty percent (40%) or more disability; or certified as permanently disabled by a physician. Once determination of permanent disability has been made with the department, the determination shall remain on file within the electronic filing system and the license holder shall not be required to present a physician's determination each year or prove their disability each year.

(h) Military Furlough Licenses -- Combination -- Fishing. A license of the first class may be had by a resident person engaged in the military service of the United States, while on temporary furlough or leave, possessing the qualifications therein described on payment of a fee as specified in section 36-416, Idaho Code, for a combined fishing and hunting license, and as specified in section 36-416, Idaho Code, for a fishing license.

(ji) Adult Licenses -- Three Year -- Combination -- Fishing -- Hunting. A license of the first class may be had by a person possessing the qualifications therein described on payment of three (3) times the fee as specified in section 36-416, Idaho Code, for a combined fishing and hunting license entitling the purchaser to hunt and fish for game animals, game birds, fish, unprotected and predatory wildlife of the state, three (3) times the fee as specified in section 36-416, Idaho Code, for a fishing license entitling the purchaser to fish in the public waters of the state, or three (3) times the fee as specified in section 36-416, Idaho Code, for a hunting license entitling the purchaser to hunt game animals, game birds, unprotected and preda-

tory wildlife of the state. The expiration date for said licenses shall be December 31 of the third year following the date of issuance.

(kj) Junior Licenses -- Three Year -- Hunting. A license of the second class may be had by a person possessing the qualifications therein described on payment of three (3) times the fee as specified in section 36-416, Idaho Code, for a hunting license. The expiration date for said license shall be December 31 of the third year following the date of issuance.

(lk) Junior Licenses -- Three Year -- Combination -- Fishing Licenses. A license of the third class may be purchased by a person possessing the qualifications therein described on payment of three (3) times the fee as specified in section 36-416, Idaho Code, for a combined fishing and hunting license and three (3) times the fee as specified in section 36-416, Idaho Code, for a fishing license entitling the purchaser to the same privileges as the corresponding license of the first class provides. The expiration date for said licenses shall be December 31 of the third year following the date of issuance.

(ml) Senior Resident Combination License -- Three Year. A license of the fourth class may be had by a person possessing the qualifications therein described on payment of three (3) times the fee as specified in section 36-416, Idaho Code, for a combined fishing and hunting license entitling the purchaser to the same privileges as the corresponding license of the first class provides. The expiration date for said license shall be December 31 of the third year following the date of issuance.

(nm) Disabled Persons Licenses -- Three Year -- Combination -- Fishing. A license of the ninth class may be had by any resident disabled person possessing the qualifications therein described on payment of three (3) times the fee as specified in section 36-416, Idaho Code, for a combined fishing and hunting license, and a fee as specified in section 36-416, Idaho Code, for a fishing license entitling the purchaser to the same privileges as the corresponding license of the first class provides. The expiration date for said licenses shall be December 31 of the third year following the date of issuance.

Approved March 27, 2017

CHAPTER 190
(H.B. No. 195)

AN ACT

RELATING TO CHIROPRACTIC PRACTICE; AMENDING SECTION 54-703, IDAHO CODE, TO REVISE DEFINITIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-704, IDAHO CODE, TO REVISE PROVISIONS REGARDING CHIROPRACTIC PRACTICE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-705, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 54-707, IDAHO CODE, TO REVISE THE BOARD'S RULEMAKING AUTHORITY; AMENDING CHAPTER 7, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-707A, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING FEES; AMENDING SECTION 54-708, IDAHO CODE, TO REVISE PROVISIONS REGARDING LICENSES AND TO PROVIDE FOR CERTIFICATION IN CLINICAL NUTRITION; AMENDING CHAPTER 7, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-716, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR ADMINISTERING CERTAIN PRESCRIPTION PRODUCTS; AMENDING CHAPTER 7, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-717, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR CERTIFICATION IN CLINICAL NUTRITION; AND AMENDING SECTION 54-1734, IDAHO CODE, TO PROVIDE THAT CHIROPRACTIC PHYSICIANS CERTIFIED IN CLINICAL NUTRITION MAY POSSESS CERTAIN LEGEND DRUGS AND TO MAKE A TECHNICAL CORRECTION.

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

SECTION 1. That Section 54-703, Idaho Code, be, and the same is hereby amended to read as follows:

54-703. DEFINITIONS. As used in this chapter, the terms defined in this section shall have the following meaning, unless the context clearly indicates another meaning:

(1) "Acceptable school of chiropractic" means any school of chiropractic that meets the standards or requirements of a national chiropractic school accrediting organization acceptable to the board or that has status as a candidate for accreditation before such organization.

(2) "Board" means the state board of chiropractic physicians.

(3) "License to practice chiropractic" means a license issued by the board to a person who has graduated from an acceptable school of chiropractic and who has fulfilled the licensure requirements of this chapter.

(4) "Person" means a natural person.

(5) "Physician" means any person who holds a license to practice chiropractic; provided further, that others authorized by law to use the term "physician" shall not be considered physicians for the purpose of this chapter.

(6) The "practice of chiropractic" means:

(a) To investigate, examine, and diagnose for any human disease, ailment, injury, infirmity, deformity, or other condition; and

(b) To apply principles or techniques of chiropractic practice as set forth in section 54-704, Idaho Code, in the prevention or treatment of any of the conditions listed in subsection paragraph (a) of this subsection; or

(c) To offer, undertake, attempt to do or hold oneself out as able to do any of the acts prescribed in subsections paragraphs (a) and (b) of this subsection.

~~(2) "Board" means the state board of chiropractic physicians.~~

~~(3) "Physician" means any person who holds a license to practice chiropractic; provided further, that others authorized by law to use the term "physician" shall not be considered physicians for the purpose of this chapter.~~

~~(4) "License to practice chiropractic" means a license issued by the board to a person who was graduated from an acceptable school of chiropractic and who has fulfilled the licensure requirements of this chapter.~~

~~(5) The word "person," the word "he," and the word "his," means a natural person.~~

~~(6) "Acceptable school of chiropractic" means any school of chiropractic which meets the standards or requirements of a national chiropractic school accrediting organization acceptable to the board, or which has status as a candidate for accreditation before such organization.~~

SECTION 2. That Section 54-704, Idaho Code, be, and the same is hereby amended to read as follows:

54-704. CHIROPRACTIC PRACTICE. (1) Chiropractic practice and procedures which that may be employed by physicians are as follows: ~~(1) The~~ system of specific adjustment or manipulation of the articulations and tissues of the body; the investigation, examination and clinical diagnosis of conditions of the human body and the treatment of the human body by the application of manipulative, manual, mechanical, physiotherapeutic or clinical nutritional methods and may include the use of diagnostic X-rays.

(2) As used in this section:

(a) "Adjustment" means the application of a precisely controlled force applied by hand or by mechanical device to a specific focal point on the anatomy for the express purpose of creating a desired angular movement in skeletal joint structures in order to eliminate or de-

crease interference with neural transmission and correct or attempt to correct subluxation complex; "chiropractic adjustment" utilizes, as appropriate, short lever force, high velocity force, short amplitude force, or specific line-of-correction force to achieve the desired angular movement, as well as low force neuromuscular, neurovascular, neuro-cranial, or neuro-lymphatic reflex technique procedures.

(b) "Manipulation" means an application of a resistive movement by applying a nonspecific force without the use of a thrust, that is directed into a region and not into a focal point of the anatomy for the general purpose of restoring movement and reducing fixation.

(c) "Massage therapy," also called massology, means the systematic manual or mechanical mobilization of the soft tissue of the body by such movements as rubbing, kneading, pressing, rolling, slapping and tapping, for the purpose of promoting circulation of the blood and lymph, relaxation of muscles, release from pain, restoration of metabolic balance, and the other benefits both physical and mental.

(23) Nothing herein contained shall allow any a physician to:

(a) Perform surgical operations or practice obstetrics; or

(b) Prescribe, dispense, independently administer, distribute, or direct or suggest to the a patient that such patient shall use a drug, substance which, or product that:

(i) Under federal law is required, prior to being dispensed or delivered, to be labeled with either any of the following statements:

~~(i)~~ 1. "Caution: Federal Law Prohibits Dispensing Without Prescription"; or

~~(ii)~~ 2. "Rx only"; or

3. "Caution: Federal Law Restricts This Drug To Use By or On the Order of A Licensed Veterinarian"; or

(iii) a product which is required by any applicable federal or state law, rule or regulation to be dispensed on prescription only or prescription drug order only, or is restricted to use by practitioners only.

(4) Notwithstanding the provisions of subsection (3) of this section, a chiropractic physician certified in clinical nutrition may independently administer prescription drug products as provided in section 54-716, Idaho Code.

(35) Chiropractic practice, as herein defined, is hereby declared not to be the practice of medicine within the meaning of the laws of the state of Idaho defining the same, and physicians licensed pursuant to this chapter shall not be subject to the provisions of chapter 18, title 54, Idaho Code, nor liable to any prosecution thereunder, when acting within the scope of practice as defined in this chapter.

SECTION 3. That Section 54-705, Idaho Code, be, and the same is hereby amended to read as follows:

54-705. EXCEPTIONS -- PROHIBITED PRACTICES -- NEGLIGENCE ESTABLISHED. (1) Under the circumstances described and, subject in each case to the limitations stated, the following persons, though not holding a license to practice chiropractic in this state, may engage in activities included in the practice of chiropractic:

(a) A person licensed by this state pursuant to chapter 18, title 54, Idaho Code;

(b) A chiropractic assistant as shall be defined and regulated by the board, administering a procedure set forth in section 54-704, Idaho Code, but not including the adjustment or manipulation of articulations of the body, as specifically directed by a chiropractic physician as long as such directions are within the scope of chiropractic practice;

- (c) A person rendering aid in an emergency, for which no fee for the services is contemplated, charged or received;
- (d) A person residing in another state or country and authorized to practice chiropractic there, who is called in consultation by a person licensed in this state to practice chiropractic, or who for the purpose of furthering chiropractic education is invited into this state to conduct a lecture, clinic or demonstration, while engaged in activities in connection with the consultation, lecture, clinic or demonstration, so long as he does not open an office or appoint a place to meet patients or receive calls in this state;
- (e) A person authorized to practice chiropractic in another state or country rendering chiropractic care in a time of disaster or while caring for an ill or injured person while at the scene of an emergency and while continuing to care for such person;
- (f) Nothing in this chapter shall be construed as preventing or restricting the practice, services or activities or requiring licensure pursuant to the provisions of this chapter, of any person licensed or registered in this state by any other law, from engaging in any health care profession or occupation for which such person is licensed or registered;
- (g) A medical officer of the armed forces of the United States, of the United States public health service, or of the veterans administration, while engaged in the performance of his official duties;
- (h) A person administering a remedy, diagnostic procedure or advice as specifically directed by a physician;
- (i) A person administering a family remedy to a member of the family;
- (j) A person authorized or licensed by this state to engage in activities which may involve the practice of medicine;
- (k) A person who administers treatment or provides advice regarding the human body and its functions that:
- (i) Does not use legend drugs or prescription drugs in such practice;
 - (ii) Uses natural elements such as air, heat, water and light;
 - (iii) Only uses class I or class II nonprescription, approved, medical devices as defined in section 513 of the federal food, drug and cosmetic act;
 - (iv) Only uses vitamins, minerals, herbs, natural food products and their extracts, and nutritional supplements; and who
 - (v) Does not perform surgery;
 - (vi) Requires each person receiving services to sign a declaration of informed consent which includes an overview of the health care provider's education which states that the health care provider is not an "M.D." or "D.O." and is not licensed under the provisions of this chapter;
- (1) Any person who practices massage therapy as defined in section 54-704(12)(c), Idaho Code;
- (m) A chiropractic intern, as defined and regulated by the board, who is registered with the board to practice chiropractic under the direct supervision of a licensed chiropractic physician pursuant to a preceptor program adopted and developed by the rules of the board.
- (2) Except as provided in subsection (1) of this section, it is unlawful for any person to practice chiropractic in this state without a license and, upon conviction thereof, shall be fined not less than one thousand dollars (\$1,000) nor more than three thousand dollars (\$3,000), or imprisoned for not less than six (6) months nor more than one (1) year, or by both such fine and imprisonment.
- (3) It is unlawful for any person to assume or use the title or designation "chiropractor," "chiropractic physician," "doctor of chiropractic," the initials "D.C.," or any word, title or abbreviation thereof calculated

to induce the belief that he is engaged in the practice of chiropractic or to indicate to the public that such person is licensed to practice chiropractic pursuant to this chapter unless such person is so licensed, and upon conviction thereof, such person shall be fined not less than five hundred dollars (\$500) nor more than three thousand dollars (\$3,000), or imprisoned for not less than six (6) months nor more than one (1) year, or by both such fine and imprisonment.

(4) When a person has been a recipient of services constituting the unlawful practice of chiropractic, whether or not he knew the rendition of the services was unlawful, proof of the rendition of unlawful services to the recipient, in an action against the provider of such services for damages allegedly caused by the services, constitutes prima facie evidence of negligence, shifting the burden of proof to such provider of unlawful services. The following damages in addition to any other remedies provided by law may be recovered in such an action:

- (a) Amount of any fees paid for the unlawful services; and
- (b) Reasonable attorney's fees and court costs.

(5) The board shall refer all violations made known to it to an appropriate prosecuting attorney. The board shall render assistance to a prosecuting attorney in the prosecution of a case pursuant to this section.

SECTION 4. That Section 54-707, Idaho Code, be, and the same is hereby amended to read as follows:

54-707. POWERS AND DUTIES. The board shall have the authority to:

- (1) Hire or appoint employees, including an executive director, investigators, attorneys, consultants and independent hearing examiners;
- (2) Establish, pursuant to the provisions of chapter 52, title 67, Idaho Code, rules for the administration of the provisions of this chapter;
- (3) Conduct investigations and examinations and hold hearings;
- (4) Revoke or suspend licenses to practice chiropractic after providing the licensee with an opportunity for an appropriate contested case in accordance with the provisions of chapter 52, title 67, Idaho Code;
- (5) In any disciplinary proceeding pursuant to this chapter to administer oaths, take depositions of witnesses within or without the state in the manner provided by law in civil cases, and shall have the power throughout the state of Idaho to require the attendance of such witnesses and the production of such books, records, and papers as it may desire at any hearing and, for that purpose, the board may issue a subpoena for any witnesses or subpoena duces tecum to compel the production of any books, records or papers, directed to the sheriff of any county in the state of Idaho, where such witness resides or may be found, which shall be served and returned in the same manner as a subpoena in a criminal case is served and returned. The fees and mileage of the witnesses shall be the same as that allowed in the district courts in criminal cases, which fees and mileage shall be paid from any funds in the state treasury in the same manner as other expenses of the board are paid. The licensee accused in such proceedings shall have the same right of subpoena upon making application to the board therefor. In any case of disobedience to, or neglect of, any subpoena or subpoena duces tecum, served upon any person, or the refusal of any witness to testify to any matter regarding which he may lawfully be interrogated, it shall be the duty of the district court of any county in this state in which this disobedience, neglect or refusal occurs, on application by the board to compel compliance with the subpoena, to issue its order directing compliance with such subpoena, and in the event of a violation of such order, to compel compliance with such order by proceedings for contempt as in the case of disobedience of the requirement of a subpoena issued from such court or for refusal to testify therein;

- (6) Seek injunctive relief prohibiting the unlawful practice of chiropractic;
- (7) Make and enter into contracts in the necessary performance of its duties pursuant to this chapter;
- (8) Develop and submit a proposed budget setting forth the amount necessary to perform its functions;
- (9) Perform such other duties as set forth in the laws of this state;
- (10) Provide such other services and perform such other functions as are necessary to fulfill its responsibilities;
- (11) Adopt rules to provide for reasonable fees and for administrative costs and to assess costs reasonably and necessarily incurred in the enforcement of this chapter when a licensee has been found to be in violation thereof;
- (12) Adopt a rule requiring continuing education as a condition of continued licensure or continued certification in clinical nutrition; and
- (13) Adopt rules pursuant to chapter 52, title 67, Idaho Code, to establish and operate a system of peer review for chiropractic physicians which that shall include, but not be limited to, the appropriateness, quality, utilization, and cost of chiropractic services and the ethical performance of chiropractic care.

SECTION 5. That Chapter 7, 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 54-707A, Idaho Code, and to read as follows:

54-707A. FEES. (1) The board shall establish by rule fees for licensure under the provisions of this chapter including, but not limited to, the following:

- (a) Application fee not to exceed two hundred fifty dollars (\$250);
- (b) Initial license fee not to exceed two hundred fifty dollars (\$250);
- (c) Endorsement license fee not to exceed two hundred fifty dollars (\$250);
- (d) Annual renewal of license fee not to exceed two hundred fifty dollars (\$250);
- (e) Inactive license fee not to exceed one hundred fifty dollars (\$150);
- (f) Temporary permit fee not to exceed one hundred fifty dollars (\$150);
- (g) Intern permit fee not to exceed one hundred fifty dollars (\$150);
- (h) Continuing education provider application fee not to exceed five hundred dollars (\$500); and
- (i) Clinical nutrition certification fee not to exceed two hundred fifty dollars (\$250).

(2) Fees charged pursuant to paragraphs (b), (c), (f), (g), and (i) of subsection (1) of this section shall be in addition to the application fee.

(3) All fees received under the provisions of this chapter shall be non-refundable and shall be deposited in the state treasury to the credit of the occupational license account in the dedicated fund, and all costs and expenses incurred by the board under the provisions of this chapter shall be a charge against and paid from the account for such purposes, and the funds collected hereunder shall be immediately available for the administration of this chapter, the provisions of any other law notwithstanding.

SECTION 6. That Section 54-708, Idaho Code, be, and the same is hereby amended to read as follows:

54-708. BOARD TO ISSUE LICENSES -- RENEWAL AND REINSTATEMENT -- INACTIVE LICENSE -- CLINICAL NUTRITION CERTIFICATION. (1) The board shall issue licenses to practice chiropractic to persons who have qualified therefor in

accordance with the provisions of this chapter. The board may refuse licensure if it finds that the applicant has engaged in conduct prohibited by sections 54-704 and 54-712, Idaho Code, provided, that the board shall take into consideration the rehabilitation of the applicant and other mitigating circumstances. ~~Such licenses shall be issued after payment of the licensing fee in an amount to be fixed by the board not to exceed one hundred fifty dollars (\$150)~~ An applicant for a license or permit under this chapter must submit the fee set by board rule. All licenses issued under the provisions of this chapter shall be subject to annual renewal and shall expire unless renewed in the manner prescribed by the board regarding applications for renewal, continuing education, and fees. License renewal and reinstatement shall be in accordance with section 67-2614, Idaho Code.

~~(2) The board may renew, on an inactive basis, the license of a A physician holding a current active license in this state who is not practicing chiropractic in this state may be issued an inactive license. The physician must submit the fee set by board rule and a written request for an inactive license. The board shall fix and collect an inactive license fee for such an inactive license renewal in an amount not to exceed one hundred fifty dollars (\$150) and e~~Each inactive license shall be issued for a period of one (1) year. A physician holding an inactive license may not engage in the practice of chiropractic in this state. ~~If a A physician wishes wishing to convert his an inactive license to an active license, he must account to the board for that period of time in which he held an the license was inactive license and must fulfill requirements that demonstrate competency to resume practice. Those requirements may include, but are not limited to, education, supervised practice and examination. The board may consider practice in another jurisdiction in determining competency. All fees authorized by subsections (1) and (2) of this section shall be paid to the bureau of occupational licenses.~~

~~(3) Whenever the board determines that an applicant for a license to practice chiropractic is not qualified for such a license pursuant to the provisions of this chapter, the board shall notify the applicant by certified mail of its denial of licensure and the reasons for denial The board may issue a clinical nutrition certification to a licensee under this chapter who submits a completed application, pays the application fee set by board rule, and provides proof to the board of successful completion of the educational requirements provided in section 54-717, Idaho Code.~~

SECTION 7. That Chapter 7, 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 54-716, Idaho Code, and to read as follows:

54-716. ADMINISTERING PRESCRIPTION DRUG PRODUCTS. (1) A licensee under this chapter who is certified in clinical nutrition may obtain and independently administer, during chiropractic practice, the following prescription drug products:

- (a) Vitamins:
 - (i) Vitamin A;
 - (ii) All B vitamins; and
 - (iii) Vitamin C;
- (b) Minerals:
 - (i) Ammonium molybdate;
 - (ii) Calcium;
 - (iii) Chromium;
 - (iv) Copper;
 - (v) Iodine;
 - (vi) Magnesium;
 - (vii) Manganese;
 - (viii) Potassium;

- (ix) Selenium;
 - (x) Sodium; and
 - (xi) Zinc;
- (c) Fluids:
- (i) Dextrose;
 - (ii) Lactated ringers;
 - (iii) Plasma lyte;
 - (iv) Saline; and
 - (v) Sterile water;
- (d) Epinephrine; and
- (e) Oxygen for use during an emergency or allergic reaction.

(2) The prescription drug products listed in subsection (1) of this section may be administered through oral, topical, intravenous, intramuscular or subcutaneous routes. The route of administration and dosing shall be in accordance with the product's labeling as approved by the federal food and drug administration or with the manufacturer's instructions.

(3) The prescription drug products listed in subsection (1) of this section shall be obtained from a wholesale distributor, manufacturer, pharmacy or outsourcing facility licensed under chapter 17, title 54, Idaho Code.

(4) No vitamin or mineral may be compounded, as defined in section 54-1705, Idaho Code, by a chiropractic physician. A compounded drug product containing two (2) or more of the approved vitamins or minerals shall be obtained for office use from an outsourcing facility licensed under chapter 17, title 54, Idaho Code.

(5) Nothing herein would remove or impact the ability of a chiropractic physician who does not obtain a clinical nutrition certification to continue to utilize nonprescriptive nutritional supplements.

SECTION 8. That Chapter 7, 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 54-717, Idaho Code, and to read as follows:

54-717. CERTIFICATION IN CLINICAL NUTRITION. (1) To qualify for certification in clinical nutrition, a licensee of this chapter must have successfully completed a minimum of the following courses:

- (a) Seven (7) credits (seventy-seven (77) hours) of didactic human nutrition, nutrition biochemistry and nutritional pharmacology; and
- (b) Twenty-four (24) hours of practicum in intravenous and injectable nutrient therapy, which must include: sterile needle practices, phlebotomy, proper injection techniques, intravenous therapy techniques, intramuscular injection techniques, safety practices, and use and expected outcomes utilizing micronutrients, response to adverse effects, lab testing and blood chemistry interpretation.

The courses required by this subsection must be taken from an accredited chiropractic college or other accredited institution of higher education and must be from an accredited program at the college or institution or be a program approved by board rule.

For purposes of this section, "accredited" means accredited by an accrediting agency recognized by the United States department of education.

(2) Until January 1, 2019, a licensee of this chapter who commenced obtaining the education requirements of subsection (1) (a) of this section no earlier than January 1, 2013, and thereafter successfully completed those requirements, may be determined to have satisfied the requirements of subsection (1) (a) of this section as provided in board rule.

(3) The practicum required for certification in clinical nutrition by subsection (1) (b) of this section must commence and be successfully completed after the effective date of this section and pursuant to board rule.

(4) All active chiropractic physicians wishing to obtain certification in clinical nutrition must first successfully complete the education described in subsection (1) of this section.

(5) In order to maintain clinical nutrition certification, a chiropractic physician certified in clinical nutrition must obtain recertification in clinical nutrition every three (3) years pursuant to board rule.

(6) All chiropractic physicians certified in clinical nutrition must maintain a current cardiopulmonary resuscitation (CPR) and basic life support (BLS) certification, as well as have BLS equipment on the chiropractic premises where treatment is being performed.

(7) Prior to providing a course of intravenous or injectable nutrition therapy, chiropractic physicians certified in clinical nutrition must provide to their patients informed consent documentation that explains the benefits and potential risks of the specific course of intravenous or injectable nutrition therapy that is being proposed. The physician must obtain from the patient written voluntary permission to perform the proposed therapy.

SECTION 9. That Section 54-1734, Idaho Code, be, and the same is hereby amended to read as follows:

54-1734. POSSESSION OF LEGEND DRUGS. (1) The following persons or their agents or employees may possess legend drugs for use in the usual and lawful course of their business or practice or in the performance of their lawful official duties, without a valid prescription drug order:

- (a) Pharmacists;
- (b) Prescribers;
- (c) Researchers who are prohibited from further distribution;
- (d) Hospitals and other institutional facilities;
- (e) Manufacturers and wholesalers;
- (f) Common carriers solely in the usual course of business of transporting prescription drugs;
- (g) Schools or other authorized entities possessing stock supplies of epinephrine auto-injectors pursuant to section 33-520A or 54-1733C, Idaho Code, upon presenting proof that the authorized entity has at least one (1) individual who has completed the training requirement of section 33-520A(5) (b) or 54-1733C(4), Idaho Code;
- (h) Persons, agencies and organizations possessing opioid antagonists pursuant to section 54-1733B, Idaho Code;
- (i) Midwives licensed pursuant to section 54-5507, Idaho Code, limited to formulary drugs consistent with rules promulgated by the Idaho board of midwifery; and
- (j) Home health nurses or agencies, or hospice agencies, possessing emergency kits pursuant to rules of the board; and
- (k) Chiropractic physicians licensed pursuant to chapter 7, title 54, Idaho Code, and certified pursuant to sections 54-708 and 54-717, Idaho Code, limited to the prescription drug products listed in section 54-716, Idaho Code.

(2) Veterinary drug outlets or their agents or employees may possess legend drugs, excluding controlled substances, for use in the usual and lawful course of their business or practice or in the performance of their lawful official duties, without a valid prescription drug order.

Approved March 27, 2017

CHAPTER 191
(H.B. No. 201)

AN ACT

RELATING TO CHANGE OF NAMES; AMENDING SECTION 7-802, IDAHO CODE, TO REVISE A PROVISION REGARDING WHO SHALL SIGN A PETITION FOR A NAME CHANGE, TO PROVIDE FOR WHAT MUST BE SPECIFIED IN THE PETITION AND TO DEFINE A TERM; AND AMENDING SECTION 7-803, IDAHO CODE, TO REVISE A PROVISION REGARDING HOW NOTICE OF A HEARING OF A PETITION FOR A NAME CHANGE MUST BE PUBLISHED AND TO PROVIDE THAT NOTICE SHALL BE SERVED ON CERTAIN PERSONS REGARDING A HEARING.

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

SECTION 1. That Section 7-802, Idaho Code, be, and the same is hereby amended to read as follows:

7-802. PETITION FOR CHANGE. (1) All applications for change of names must be made to the district court of the county where the person whose name is proposed to be changed resides, by petition, signed by such person, if the person is an adult or an emancipated minor; and if such person is under the age of eighteen (18) years and is not an emancipated minor, by one (1) of the parents, if living; or if both be dead, then by the a guardian; and if there be no guardian, then by some near relative or friend. The petition must specify the place of birth and residence of such person, his or her present name, the name proposed, and reason for such change of name, and must, if the father of such person be not living, name, as far as known to the petitioner, the near relatives of such person, and their place of residence.

(2) If the person whose name is proposed to be changed is under eighteen (18) years of age and is not an emancipated minor, the petition must also include the following:

(a) If the petition is signed by only one (1) parent, the petition must specify the name and the address, if known, of the other parent, if living.

(b) If the petition is signed by a guardian of the person, the petition must specify:

(i) The name and address, if known, of the parent or parents of the person, if living; or

(ii) If both parents are deceased or their addresses are unknown, the names and addresses of the grandparents of the person, if living.

(3) For purposes of this section, "emancipated minor" means any minor who has been married or is in active military service.

SECTION 2. That Section 7-803, Idaho Code, be, and the same is hereby amended to read as follows:

7-803. PUBLICATION OF PETITION AND NOTICE. (1) A notice of hearing of such petition signed by the clerk and issued under the seal of the court, must be published for four (4) successive weeks in some a newspaper printed in the county, if a newspaper be printed therein, but if no newspaper be printed in the county a copy of such notice of hearing must be posted at three (3) of the most public places in the county for a like period designated by the court as most likely to give notice in the county where the person whose name is proposed to be changed resides, and proofs must be made of such publication or posting before the petition can be considered. The notice of hearing may be substantially in the following form:

NOTICE OF HEARING

In the District Court of the Judicial District of the State of Idaho in and for County.

In the matter of the application of for change in name. (Assertions herein contained refer to assertions in the petition)

A petition by, now residing in the City of, State of Idaho, proposing a change in name to has been filed in the above entitled court, the reason for the change in name being

.....: such petition will be heard at such time as the court may appoint, and objections may be filed by any person who can, in such objections, show to the court a good reason against such a change of name.

WITNESS my hand and seal of said District Court this day of Attorney for petitioner Clerk Residence or post office address Deputy Idaho.

(2) If the petition has been filed for a minor by a parent and the other parent, if living, does not join in consenting to the name change, the petitioner must cause notice of the time and place of the hearing to be served on the other parent not less than thirty (30) days before the hearing.

(3) If the petition has been filed for a minor by a guardian, the person filing the petition must cause notice of the time and place of the hearing to be served on the persons whose names and addresses were specified in the petition pursuant to section 7-802(2)(b), Idaho Code, not less than thirty (30) days before the hearing.

Approved March 27, 2017

CHAPTER 192 (H.B. No. 209)

AN ACT

RELATING TO THE REVISED UNIFORM LAW ON NOTARIAL ACTS; REPEALING CHAPTER 1, TITLE 51, IDAHO CODE, RELATING TO THE IDAHO NOTARY PUBLIC ACT; REPEALING CHAPTER 7, TITLE 55, IDAHO CODE, RELATING TO ACKNOWLEDGMENTS; AMENDING TITLE 51, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 1, TITLE 51, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO PROVIDE APPLICABILITY, TO AUTHORIZE CERTAIN PERSONS TO PERFORM A NOTARIAL ACT, TO PROVIDE REQUIREMENTS FOR CERTAIN NOTARIAL ACTS, TO REQUIRE PERSONAL APPEARANCE BEFORE A NOTARY PUBLIC UNDER CERTAIN CONDITIONS, TO REQUIRE CERTAIN IDENTIFICATION OF INDIVIDUALS, TO AUTHORIZE A NOTARY PUBLIC TO REFUSE TO PERFORM A NOTARIAL ACT IN CERTAIN INSTANCES, TO PROVIDE FOR A SIGNATURE IF AN INDIVIDUAL IS UNABLE TO SIGN, TO PROVIDE AUTHORITY FOR A NOTARIAL ACT IN THIS STATE, TO PROVIDE AUTHORITY FOR A NOTARIAL ACT IN ANOTHER STATE, TO PROVIDE FOR NOTARIAL ACTS BY AN INDIAN TRIBE, TO PROVIDE FOR NOTARIAL ACTS PERFORMED UNDER FEDERAL AUTHORITY, TO PROVIDE FOR FOREIGN NOTARIAL ACTS, TO PROVIDE CERTAIN REQUIREMENTS FOR A CERTIFICATE OF A NOTARIAL ACT, TO PROVIDE SHORT FORM CERTIFICATES OF NOTARIAL ACTS, TO PROVIDE FOR AN ACKNOWLEDGMENT BY AN ENTITY ON BEHALF OF ANOTHER ENTITY, TO PROVIDE REQUIREMENTS FOR THE OFFICIAL STAMP OF A NOTARY PUBLIC, TO REQUIRE NOTIFICATION REGARDING PERFORMANCE OF NOTARIAL ACTS ON AN ELECTRONIC RECORD, TO PROVIDE FOR SELECTION OF TECHNOLOGY FOR AN ELECTRONIC RECORD, TO PROVIDE FOR A COMMISSION AS A NOTARY PUBLIC,

TO PROVIDE QUALIFICATIONS FOR A NOTARY PUBLIC, TO PROVIDE THAT A NOTARY PUBLIC CERTIFICATE SHALL NOT PROVIDE CERTAIN IMMUNITY OR BENEFIT, TO PROVIDE FOR A COURSE OF STUDY FOR APPLICANTS FOR A COMMISSION AS A NOTARY PUBLIC, TO PROVIDE CERTAIN GROUNDS TO DENY, REFUSE TO RENEW, REVOKE, SUSPEND OR IMPOSE A CONDITION UPON THE COMMISSION OF A NOTARY PUBLIC, TO PROVIDE FOR A DATABASE OF NOTARIES PUBLIC, TO PROHIBIT CERTAIN ACTS BY A NOTARY PUBLIC, TO PROVIDE FOR THE VALIDITY OF CERTAIN NOTARIAL ACTS, TO PROVIDE RULEMAKING AUTHORITY, TO PROVIDE FOR THE EFFECT OF THIS ACT ON A NOTARY PUBLIC COMMISSION, TO PROVIDE A SAVINGS CLAUSE, TO PROVIDE FOR UNIFORMITY OF APPLICATION AND CONSTRUCTION, TO PROVIDE FOR THE RELATION OF THIS ACT TO THE ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT, TO PROVIDE FOR FILING FEES, AND TO PROVIDE FOR A NOTARY FEE; AMENDING CHAPTER 1, TITLE 51, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 51-117, IDAHO CODE, TO PROVIDE FOR THE REQUIREMENTS OF A NOTARY SEAL; REPEALING SECTION 51-117, IDAHO CODE, RELATING TO A NOTARY SEAL; AMENDING CHAPTER 1, TITLE 51, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 51-117, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR THE OFFICIAL STAMP OF A NOTARY SEAL; AMENDING CHAPTER 1, TITLE 51, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 51-118, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR A STAMPING DEVICE; AMENDING SECTION 15-2-502, IDAHO CODE, TO REMOVE REFERENCE TO CERTAIN CODE SECTIONS; AMENDING SECTION 15-2-504, IDAHO CODE, TO REMOVE REFERENCE TO CERTAIN CODE SECTIONS; AMENDING SECTION 15-12-105, IDAHO CODE, TO REMOVE REFERENCE TO CERTAIN CODE SECTIONS; AMENDING SECTION 19-5801, IDAHO CODE, TO REMOVE REFERENCE TO A CERTAIN CODE SECTION; AMENDING SECTION 31-1408, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 55-805, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 59-404, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES; AMENDING SECTION 59-407, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES; AND PROVIDING EFFECTIVE DATES.

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

SECTION 1. That Chapter 1, Title 51, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Chapter 7, Title 55, Idaho Code, be, and the same is hereby repealed.

SECTION 3. That Title 51, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 1, Title 51, Idaho Code, and to read as follows:

CHAPTER 1
REVISED UNIFORM LAW ON NOTARIAL ACTS

51-101. SHORT TITLE. This chapter shall be known and may be cited as the "Revised Uniform Law on Notarial Acts."

51-102. DEFINITIONS. As used in this chapter:

(1) "Acknowledgment" means a declaration by an individual before a notarial officer that the individual has signed a record for the purpose stated in the record and, if the record is signed in a representative capacity, that the individual signed the record with proper authority and signed it as the act of the individual or entity identified in the record.

(2) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities.

(3) "Electronic signature" means an electronic symbol, sound or process attached to or logically associated with a record and executed or adopted by an individual with the intent to sign the record.

(4) "In a representative capacity" means acting as:

- (a) An authorized officer, agent, partner, trustee or other representative for a person that is not an individual;
- (b) A public officer, personal representative, guardian or other representative, in the capacity stated in a record;
- (c) An agent or attorney in fact for a principal; or
- (d) An authorized representative of another in any other capacity.

(5) "Notarial act" means an act, whether performed with respect to a tangible or electronic record, that a notarial officer may perform under the law of this state. The term includes taking an acknowledgment, administering an oath or affirmation, taking a verification on oath or affirmation, witnessing or attesting a signature, certifying or attesting a copy, and noting a protest of a negotiable instrument.

(6) "Notarial officer" means a notary public or other individual authorized to perform a notarial act.

(7) "Notary public" means an individual commissioned to perform a notarial act by the secretary of state.

(8) "Official stamp" means a physical image affixed to a tangible record or an electronic image attached to or logically associated with an electronic record.

(9) "Person" means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency or instrumentality, or any other legal entity.

(10) "Personal appearance" or "appear personally" means the notarial officer is physically close enough to see, hear, communicate with and receive identification documents from the individual seeking notarization and any required witness.

(11) "Record" means information inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(12) "Sign" means, with present intent to authenticate or adopt a record by:

- (a) Executing or adopting a tangible symbol; or
- (b) Attaching to or logically associating with the record an electronic symbol, sound or process.

(13) "Signature" means a tangible symbol or an electronic signature that evidences the signing of a record.

(14) "Stamping device" means:

- (a) A physical device capable of affixing to a tangible record an official stamp; or
- (b) An electronic device or process capable of attaching or logically associating an official stamp with an electronic record.

(15) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States.

(16) "Verification on oath or affirmation" means a declaration, made by an individual on oath or affirmation before a notarial officer, that a statement in a record is true.

51-103. **APPLICABILITY.** This chapter applies to a notarial act performed on or after the effective date of this act.

51-104. **AUTHORITY TO PERFORM NOTARIAL ACT.** (1) A notarial officer may perform a notarial act authorized by this chapter or by law of this state other than this chapter.

(2) A notary public may not perform a notarial act with respect to a record to which the notary public or the notary public's spouse is a party, or in which either of them has a direct beneficial interest. A notarial act performed in violation of this subsection is voidable.

51-105. REQUIREMENTS FOR CERTAIN NOTARIAL ACTS. (1) A notary public who takes an acknowledgment of a record shall determine, from personal knowledge or satisfactory evidence of the identity of the individual, that the individual appearing before the notary public and making the acknowledgment has the identity claimed and that the signature on the record is the signature of the individual.

(2) A notary public who takes a verification of a statement on oath or affirmation shall determine, from personal knowledge or satisfactory evidence of the identity of the individual, that the individual appearing before the notary public and making the verification has the identity claimed and that the signature on the statement verified is the signature of the individual.

(3) A notary public who witnesses or attests to a signature shall determine, from personal knowledge or satisfactory evidence of the identity of the individual, that the individual appearing before the notary public and signing the record has the identity claimed.

(4) A notary public who certifies or attests a copy of a record or an item that was copied shall determine that the copy is a full, true and accurate transcription or reproduction of the record or item.

(5) A notary public who makes or notes a protest of a negotiable instrument shall determine the matters set forth in section 28-3-505(2), Idaho Code.

51-106. PERSONAL APPEARANCE REQUIRED. If a notarial act relates to a statement made in or a signature executed on a record, the individual making the statement or executing the signature shall appear personally before the notary public.

51-107. IDENTIFICATION OF INDIVIDUAL. (1) A notary public has personal knowledge of the identity of an individual appearing before the notary public if the individual is personally known to the notary public through dealings sufficient to provide reasonable certainty that the individual has the identity claimed.

(2) A notary public has satisfactory evidence of the identity of an individual appearing before the notary public if the notary public can identify the individual:

(a) By means of:

(i) A passport, driver's license or government-issued nondriver identification card that is current or expired not more than three (3) years before performance of the notarial act; or

(ii) Another form of government identification issued to an individual that is current or expired not more than three (3) years before performance of the notarial act, that contains the signature or a photograph of the individual, and that is satisfactory to the notary public; or

(b) By a verification on oath or affirmation of a credible witness personally appearing before the notary public and known to the notary public or whom the notary public can identify on the basis of a passport, driver's license or government-issued nondriver identification card that is current or expired not more than three (3) years before performance of the notarial act.

(3) A notary public may require an individual to provide additional information or identification credentials necessary to assure the notary public of the identity of the individual.

51-108. AUTHORITY TO REFUSE TO PERFORM NOTARIAL ACT. (1) A notary public may refuse to perform a notarial act if the notary public is not satisfied that:

- (a) The individual executing the record is competent or has the capacity to execute the record; or
 - (b) The individual's signature is knowingly and voluntarily made.
- (2) A notary public may refuse to perform a notarial act unless refusal is prohibited by law other than this chapter.

51-109. SIGNATURE IF INDIVIDUAL UNABLE TO SIGN. If an individual is physically unable to sign a record, the individual may direct an individual other than the notary public to sign the individual's name on the record. The notary public shall insert "Signature affixed by (name of other individual) at the direction of (name of individual)" or words of similar import.

51-110. NOTARIAL ACT IN THIS STATE. (1) A notarial act may be performed in this state by:

- (a) A notary public of this state; or
 - (b) Any other individual authorized to perform the specific act by the law of this state.
- (2) The signature and title of an individual performing a notarial act in this state are prima facie evidence that the signature is genuine and that the individual holds the designated title.
- (3) The signature and title of a notary public described in subsection (1) (a) or (b) of this section conclusively establish the authority of the officer to perform the notarial act.

51-111. NOTARIAL ACT IN ANOTHER STATE. (1) A notarial act performed in another state has the same effect under the law of this state as if performed by a notary public of this state if the act performed in that state is performed by:

- (a) A notary public of that state;
 - (b) A judge, clerk or deputy clerk of a court of that state; or
 - (c) Any other individual authorized by the law of that state to perform the notarial act.
- (2) The signature and title of an individual performing a notarial act in another state are prima facie evidence that the signature is genuine and that the individual holds the designated title.
- (3) The signature and title of a notarial officer described in subsection (1) (a) or (b) of this section conclusively establish the authority of the officer to perform the notarial act.

51-112. NOTARIAL ACT UNDER AUTHORITY OF FEDERALLY RECOGNIZED INDIAN TRIBE. (1) A notarial act performed under the authority and in the jurisdiction of a federally recognized Indian tribe has the same effect as if performed by a notary public of this state if the act performed in the jurisdiction of the tribe is performed by:

- (a) A notary public of the tribe; or
 - (b) Any other individual authorized by the law of the tribe to perform the notarial act.
- (2) The signature and title of an individual performing a notarial act under the authority and in the jurisdiction of a federally recognized Indian tribe are prima facie evidence that the signature is genuine and that the individual holds the designated title.
- (3) The signature and title of a notarial officer described in subsection (1) (a) or (b) of this section conclusively establish the authority of the officer to perform the notarial act.

51-113. NOTARIAL ACT UNDER FEDERAL AUTHORITY. (1) A notarial act performed under federal law has the same effect under the law of this state as if performed by a notary public of this state if the act performed under federal law is performed by:

- (a) A judge, clerk or deputy clerk of a court;
- (b) An individual in military service or performing duties under the authority of military service who is authorized to perform notarial acts under federal law;
- (c) An individual designated as a notarizing officer by the United States department of state for performing notarial acts overseas; or
- (d) Any other individual authorized by federal law to perform the notarial act.

(2) The signature and title of an individual acting under federal authority and performing a notarial act are prima facie evidence that the signature is genuine and that the individual holds the designated title.

(3) The signature and title of an officer described in subsection (1) (a), (b) or (c) of this section conclusively establish the authority of the officer to perform the notarial act.

51-114. FOREIGN NOTARIAL ACT. (1) As used in this section, "foreign state" means a government other than the United States, a state or a federally recognized Indian tribe.

(2) If a notarial act is performed under authority and in the jurisdiction of a foreign state or constituent unit of the foreign state or is performed under the authority of a multinational or international governmental organization, the act has the same effect under the law of this state as if performed by a notary public of this state.

(3) If the title of office and indication of authority to perform notarial acts in a foreign state appear in a digest of foreign law or in a list customarily used as a source for that information, the authority of an officer with that title to perform notarial acts is conclusively established.

(4) The signature and official stamp of an individual holding an office described in subsection (3) of this section are prima facie evidence that the signature is genuine and that the individual holds the designated title.

(5) An apostille in the form prescribed by the Hague Convention of October 5, 1961, and issued by a foreign state party to the convention conclusively establishes that the signature of the notarial officer is genuine and that the officer holds the indicated office.

(6) A consular authentication issued by an individual designated by the United States department of state as a notarizing officer for performing notarial acts overseas and attached to the record with respect to which the notarial act is performed conclusively establishes that the signature of the notarial officer is genuine and that the officer holds the indicated office.

51-115. CERTIFICATE OF NOTARIAL ACT. (1) A notarial act must be evidenced by a certificate. The certificate must:

- (a) Be executed contemporaneously with the performance of the notarial act;
- (b) Be signed and dated by the notary public;
- (c) Identify the jurisdiction in which the notarial act is performed; and
- (d) Indicate the date of expiration, if any, of the notary public's commission.

(2) If a notarial act regarding a tangible or electronic record is performed by a notary public, an official stamp must be affixed to the certificate.

(3) A certificate of a notarial act is sufficient if it meets the requirements of subsections (1) and (2) of this section and:

- (a) Is in a short form set forth in section 51-116, Idaho Code;
- (b) Is in a form otherwise permitted by the law of this state;
- (c) Is in a form permitted by the law applicable in the jurisdiction in which the notarial act was performed; or

(d) Sets forth the actions of the notary public and the actions are sufficient to meet the requirements of the notarial act as provided in sections 51-105, 51-106 and 51-107, Idaho Code, or law of this state other than this chapter.

(4) By executing a certificate of a notarial act, a notary public certifies that the notary public has complied with the requirements and made the determinations specified in sections 51-105, 51-106 and 51-107, Idaho Code.

(5) A notary public may not affix the notary public's signature to, or logically associate it with, a certificate until the notarial act has been performed.

(6) If a notarial act is performed regarding a tangible record, a certificate must be part of, or securely attached to, the record. If a notarial act is performed regarding an electronic record, the certificate must be affixed to, or logically associated with, the electronic record. If the secretary of state has established standards pursuant to section 51-127, Idaho Code, for attaching, affixing or logically associating the certificate, the process must conform to the standards.

51-116. SHORT FORM CERTIFICATES. The following short form certificates of notarial acts are sufficient for the purposes indicated if completed with the information required by section 51-115(1) and (2), Idaho Code:

(1) For an acknowledgment in an individual capacity:

State of _____

County of _____

This record was acknowledged before me on _____ by _____
Date Name(s) of individual(s)

Signature of notary public

(Stamp)

My commission expires: _____

(2) For an acknowledgment in a representative capacity:

State of _____

County of _____

This record was acknowledged before me on _____ by _____
Date Name(s) of individual(s)

as (type of authority, such as officer or trustee) of (name of party on behalf of whom record was executed)

Signature of notary public

(Stamp)

My commission expires: _____

(3) For a verification on oath or affirmation:

State of _____

County of _____

Signed and sworn to (or affirmed) before me

on _____ by _____
Date Name(s) of individual(s) making statement

Signature of notary public

(Stamp)
My commission expires: _____

(4) For witnessing or attesting a signature:

State of _____

County of _____

Signed (or attested) before me on _____ by _____
Date Name(s) of individual(s)

Signature of notary public

(Stamp)
My commission expires: _____

(5) For certifying a copy of a record:

State of _____

County of _____

I certify that this is a true and correct copy of a record in the possession
of _____

Dated _____

Signature of notary public

(Stamp)
My commission expires: _____

51-116A. ACKNOWLEDGMENT BY ENTITY ON BEHALF OF ANOTHER ENTITY. (1) As used in this section:

(a) A corporation, partnership, limited liability company, trust or other legal entity that is the party executing an instrument and the party, or one of the parties, to be bound thereby shall be referred to as the "maker" of the instrument;

(b) A corporation, partnership, limited liability company, trust or other legal entity that is a partner, manager, member, trustee or other authorized representative of the maker shall be referred to as the "constituent entity" of the maker;

(c) The natural person who signs the written instrument as an officer, partner, manager, member, trustee or other authorized representative of the constituent entity shall be referred to as the "signer"; and

(d) An acknowledgment of an instrument executed by a maker acting through a constituent entity shall be referred to as a "compound acknowledgment."

(2) A compound acknowledgment of an instrument shall be made in a form that substantially conforms to the statutory form of acknowledgment for an entity of the same legal form as either the maker or the constituent entity; provided, however, that any acknowledgment that satisfies the requirements of subsection (3) of this section shall suffice.

(3) A compound acknowledgment shall:

(a) Identify the signer;

(b) State the signer's official title, capacity or authority to sign on behalf of the constituent entity, or recite that the signer is authorized to sign on behalf of the constituent entity;

(c) Identify the constituent entity or constituent entities;

(d) Recite the constituent entity's official title, capacity or authority to act on behalf of the maker, or the relationship of the constituent entity to the maker, or the position the constituent entity holds in or with the maker, or that the constituent entity is authorized to act on behalf of the maker; and

(e) Identify the maker.

(4) As an example only, a compound acknowledgment for a maker that is a partnership, acting through a constituent entity that is a corporation, may take the following form:

STATE OF _____)
) ss.
COUNTY OF _____)

On this ___ day of _____, _____, before me, _____, a Notary Public in and for said State, personally appeared _____ (signer), known or identified to me (or proved to me on the oath of _____) to be the _____ (officer title) of _____ (constituent entity) a _____ corporation, one of the partners in the partnership of _____ (maker), a _____ partnership, and the partner or one of the partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that he executed the within instrument on behalf of said corporation, and that such corporation executed the same in said partnership name.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Notary Public for _____
Residing at _____
My commission expires _____

51-119. [RESERVED.]

51-120. NOTIFICATION REGARDING PERFORMANCE OF NOTARIAL ACT ON ELECTRONIC RECORD -- SELECTION OF TECHNOLOGY. (1) A notary public may select one (1) or more tamper-evident technologies to perform notarial acts with respect to electronic records. A person may not require a notary public to perform a notarial act with respect to an electronic record with a technology that the notary public has not selected.

(2) Before a notary public performs the notary public's initial notarial act with respect to an electronic record, a notary public shall notify the secretary of state that the notary public will be performing notarial acts with respect to electronic records and identify the technology the notary public intends to use. If the secretary of state has established standards for approval of technology pursuant to section 51-127, Idaho Code, the technology must conform to the standards. If the technology conforms to the standards, the secretary of state shall approve the use of the technology.

51-121. COMMISSION AS NOTARY PUBLIC -- QUALIFICATIONS -- NO IMMUNITY OR BENEFIT. (1) An individual qualified under subsection (2) of this section may apply to the secretary of state for a commission as a notary public. The applicant shall comply with and provide the information required by the secretary of state and pay any application fee.

(2) An applicant for a commission as a notary public must:

- (a) Be at least eighteen (18) years of age;
- (b) Be a citizen or permanent legal resident of the United States;
- (c) Be a resident of or have a place of employment or place of practice in this state;
- (d) Be able to read and write; and
- (e) Not be disqualified to receive a commission under section 51-123, Idaho Code.

(3) Before issuance of a commission as a notary public, an applicant for the commission shall execute an oath of office and submit it to the secretary of state.

(4) Before issuance of a commission as a notary public, the applicant for a commission shall submit to the secretary of state an assurance in the form of a surety bond or its functional equivalent in the amount of ten thousand dollars (\$10,000).

(a) The assurance must be issued by:

- (i) A surety or other entity licensed or authorized to do business in this state; or
- (ii) The risk management office in the department of administration for the state of Idaho if the applicant is regularly employed by the state and the commission is required in the scope of that employment.

(b) The assurance must cover acts performed during the term of the notary public's commission and must be in the form prescribed by the secretary of state. If a notary public violates law with respect to notaries public in this state, the surety or issuing entity is liable under the assurance. The surety or issuing entity shall give thirty (30) days' notice to the secretary of state before canceling the assurance. The surety or issuing entity shall notify the secretary of

state no later than thirty (30) days after making a payment to a claimant under the assurance. A notary public may perform notarial acts in this state only during the period that a valid assurance is on file with the secretary of state.

(5) On compliance with this section, the secretary of state shall issue a commission as a notary public to an applicant for a term of six (6) years.

(6) A commission to act as a notary public authorizes the notary public to perform notarial acts. The commission does not provide the notary public any immunity or benefit conferred by law of this state on public officials or employees.

51-122. COURSE OF STUDY. The secretary of state or an entity approved by the secretary of state shall offer regularly a course of study to applicants who do not hold commissions as notaries public in this state. The course must cover the laws, rules, procedures and ethics relevant to notarial acts.

51-123. GROUNDS TO DENY, REFUSE TO RENEW, REVOKE, SUSPEND OR CONDITION COMMISSION OF NOTARY PUBLIC. (1) The secretary of state may deny, refuse to renew, revoke, suspend or impose a condition on a commission as notary public for any act or omission that demonstrates the individual lacks the honesty, integrity, competence or reliability to act as a notary public, including:

- (a) Failure to comply with the provisions of this chapter;
- (b) A fraudulent, dishonest or deceitful misstatement or omission in the application for a commission as a notary public submitted to the secretary of state;
- (c) A conviction of the applicant or notary public of any felony or a crime involving fraud, dishonesty or deceit;
- (d) A finding against, or admission of liability by, the applicant or notary public in any legal proceeding or disciplinary action based on the applicant's or notary public's fraud, dishonesty or deceit;
- (e) Failure by the notary public to discharge any duty required of a notary public, whether by this chapter, rules of the secretary of state or any federal or state law;
- (f) Use of false or misleading advertising or representation by the notary public representing that the notary has a duty, right or privilege that the notary does not have;
- (g) Violation by the notary public of a rule of the secretary of state regarding a notary public;
- (h) Denial, refusal to renew, revocation, or suspension of, or placing a condition on, a notary public commission in another state; or
- (i) Failure of the notary public to maintain an assurance as provided in section 51-121(4), Idaho Code.

(2) If the secretary of state denies, refuses to renew, revokes, suspends or imposes conditions on a commission as a notary public, the applicant or notary public is entitled to timely notice and hearing in accordance with chapter 52, title 67, Idaho Code.

(3) The authority of the secretary of state to deny, refuse to renew, suspend, revoke or impose conditions on a commission as a notary public does not prevent a person from seeking and obtaining other criminal or civil remedies provided by law.

51-124. DATABASE OF NOTARIES PUBLIC. The secretary of state shall maintain an electronic database of notaries public:

- (1) Through which a person may verify the authority of a notary public to perform notarial acts; and
- (2) That indicates whether a notary public has notified the secretary of state that the notary public will be performing notarial acts on electronic records.

51-125. PROHIBITED ACTS. (1) A commission as a notary public does not authorize an individual to:

- (a) Assist persons in drafting legal records, give legal advice or otherwise practice law;
- (b) Act as an immigration consultant or an expert on immigration matters;
- (c) Represent a person in a judicial or administrative proceeding relating to immigration to the United States, United States citizenship or related matters; or
- (d) Receive compensation for performing any of the activities listed in this subsection.

(2) A notary public may not engage in false or deceptive advertising.

(3) A notary public, other than an attorney licensed to practice law in this state, may not use the term "notario" or "notario publico."

(4) A notary public, other than an attorney licensed to practice law in this state, may not advertise or represent that the notary public may assist persons in drafting legal records, give legal advice or otherwise practice law. If a notary public who is not an attorney licensed to practice law in this state in any manner advertises or represents that the notary public offers notarial services, whether orally or in a record, including broadcast media, print media and the internet, the notary public shall include the following statement, or an alternate statement authorized or required by the secretary of state, in the advertisement or representation, prominently and in each language used in the advertisement or representation: "I am not an attorney licensed to practice law in this state. I am not allowed to draft legal records, give advice on legal matters, including immigration, or charge a fee for those activities." If the form of advertisement or representation is not broadcast media, print media or the internet and does not permit inclusion of the statement required by this subsection because of size, it must be displayed prominently or provided at the place of performance of the notarial act before the notarial act is performed.

(5) Except as otherwise allowed by law, a notary public may not withhold access to or possession of an original record provided by a person who seeks performance of a notarial act by the notary public.

51-126. VALIDITY OF NOTARIAL ACTS. Except as otherwise provided in section 51-104(2), Idaho Code, the failure of a notary public to perform a duty or meet a requirement specified in this chapter does not invalidate a notarial act performed by the notary public. The validity of a notarial act under this chapter does not prevent an aggrieved person from seeking to invalidate the record or transaction that is the subject of the notarial act or from seeking other remedies based on law of this state other than this chapter or law of the United States. This section does not validate a purported notarial act performed by an individual who does not have the authority to perform notarial acts.

51-127. RULES. (1) The secretary of state may adopt rules to implement this chapter. Rules adopted regarding the performance of notarial acts with respect to electronic records may not require, or accord greater legal status or effect to, the implementation or application of a specific technology or technical specification. The rules may include but are not limited to the following:

- (a) Prescribing the manner of performing notarial acts regarding tangible and electronic records;
- (b) Including provisions to ensure that any change to or tampering with a record bearing a certificate of a notarial act is self-evident;
- (c) Including provisions to ensure integrity in the creation, transmittal, storage or authentication of electronic records or signatures;

- (d) Prescribing the process of granting, renewing, conditioning, denying, suspending or revoking a notary public commission and assuring the trustworthiness of an individual holding a commission as notary public;
- (e) Including provisions to prevent fraud or mistake in the performance of notarial acts;
- (f) Establishing the process for approving and accepting surety bonds and other forms of assurance under section 51-121(4), Idaho Code; and
- (g) Providing for the course of study under section 51-122, Idaho Code.

(2) In adopting, amending or repealing rules about notarial acts with respect to electronic records, the secretary of state may consider, as far as is consistent with the provisions of this chapter:

- (a) The most recent standards regarding electronic records promulgated by national bodies, such as the national association of secretaries of state;
- (b) Standards, practices and customs of other jurisdictions that substantially enact this chapter; and
- (c) The views of governmental officials and entities and other interested persons.

51-128. NOTARY PUBLIC COMMISSION IN EFFECT. A commission as a notary public in effect on the effective date of this act continues until its date of expiration. A notary public who applies to renew a commission as a notary public on or after the effective date of this act is subject to and shall comply with the provisions of this chapter. A notary public, in performing notarial acts after the effective date of this act, shall comply with the provisions of this chapter.

51-129. SAVINGS CLAUSE. This chapter does not affect the validity or effect of a notarial act performed before the effective date of this act.

51-130. UNIFORMITY OF APPLICATION AND CONSTRUCTION. In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

51-131. RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT. This chapter modifies, limits or supersedes the electronic signatures in global and national commerce act, 15 U.S.C. 7001 et seq., but does not modify, limit or supersede section 101(c) of that act, 15 U.S.C. 7001(c), or authorize electronic delivery of any of the notices described in section 103(b) of that act, 15 U.S.C. 7003(b).

51-132. FILING FEES. (1) The fee for filing an application for appointment as a notary public shall be thirty dollars (\$30.00).

(2) The fee for filing an application for electronic notarization authorization shall be twenty dollars (\$20.00).

(3) There shall be no fee charged for filing a letter of resignation, a certified copy of a judgment of conviction, a certified copy of findings of fact or extract therefrom, public record of proof of material misstatement of fact in an application, certified copy of an order adjudging incompetency, or notice of death.

(4) The fee for filing notice of change of name or address shall be five dollars (\$5.00).

(5) The fee for filing notice of cancellation of a notary bond shall be five dollars (\$5.00).

(6) The fee for a notary public database extraction shall be twenty-five dollars (\$25.00).

(7) The fee for a certified copy of a notary public record shall be ten dollars (\$10.00) plus twenty-five cents (25) per page.

51-133. NOTARY FEE. (1) A notary public may, for any notarial act, charge a fee not to exceed five dollars (\$5.00).

(2) In addition to the fee, a notary public may be compensated for actual and reasonable expense of travel to a place where the notarial act is to be performed.

(3) An employer shall not require a notary public in his employment to surrender a fee, if charged, or any part thereof to the employer. An employer may, however, preclude such notary public from charging a fee for a notarial act performed in the scope of the notary public's employment.

SECTION 4. That Chapter 1, Title 51, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 51-117, Idaho Code, and to read as follows:

51-117. SEAL. (1) Each notary public shall provide and keep an official seal, which shall be a rubber stamp with a serrated or milled-edge border in a rectangular or circular form and includes the words "Notary Public," the notary public's name, the words "State of Idaho," and nothing more.

(2) The seal shall be impressed below or near the notary public's official signature on each notary certificate that the notary administers.

(3) A notary public is responsible for the security of the notary public's stamping device and may not allow another individual to use the device to perform a notarial act. On resignation from, or the revocation or expiration of, the notary public's commission, the notary public shall disable the stamping device by destroying, defacing, damaging, erasing or securing it against use in a manner that renders it unusable. On the death or adjudication of incompetency of a notary public, the notary public's personal representative or guardian or any other person knowingly in possession of the stamping device shall render it unusable by destroying, defacing, damaging, erasing or securing it against use in a manner that renders it unusable. If a notary public's stamping device is lost or stolen, the notary public or the notary public's personal representative or guardian shall promptly notify the commissioning officer or agency on discovering that the device is lost or stolen.

SECTION 5. That Section 51-117, Idaho Code, be, and the same is hereby repealed.

SECTION 6. That Chapter 1, Title 51, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 51-117, Idaho Code, and to read as follows:

51-117. OFFICIAL STAMP. The official stamp of a notary public:

(1) Must include the notary public's name, the words "Notary Public," the words "State of Idaho," and the notary's state-issued commission number;

(2) May include the words "my commission expires:" followed by the notary's current commission expiration date;

(3) Must be capable of being copied together with the record to which it is affixed or attached or with which it is logically associated; and

(4) May not include anything more than that which is allowed in subsections (1) and (2) of this section.

SECTION 7. That Chapter 1, Title 51, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 51-118, Idaho Code, and to read as follows:

51-118. STAMPING DEVICE. (1) The stamping device must be an inked stamp which provides an image that is readily visible upon copying. The stamp shall not exceed two and one-fourth (2.25) inches by one (1) inch if rectangular or one and three-fourths (1.75) inches in diameter if circular.

(2) A notary public is responsible for the security of the notary public's stamping device and may not allow another individual to use the device to perform a notarial act. On resignation from, or the revocation or expiration of, the notary public's commission, the notary public shall disable the stamping device by destroying, defacing, damaging, erasing or securing it against use in a manner that renders it unusable. On the death or adjudication of incompetency of a notary public, the notary public's personal representative or guardian or any other person knowingly in possession of the stamping device shall render it unusable by destroying, defacing, damaging, erasing or securing it against use in a manner that renders it unusable.

(3) If a notary public's stamping device is lost or stolen, the notary public or the notary public's personal representative or guardian shall promptly notify the commissioning officer or agency on discovering that the device is lost or stolen.

SECTION 8. That Section 15-2-502, Idaho Code, be, and the same is hereby amended to read as follows:

15-2-502. EXECUTION. Except as provided for holographic wills, writings within section 15-2-513 of this part, and wills within section 15-2-506 of this part, or except as provided in sections 51-109, 55-712A or 55-712B, Idaho Code, every will shall be in writing signed by the testator or in the testator's name by some other person in the testator's presence and by his direction, and shall be signed by at least two (2) persons each of whom witnessed either the signing or the testator's acknowledgment of the signature or of the will.

SECTION 9. That Section 15-2-504, Idaho Code, be, and the same is hereby amended to read as follows:

15-2-504. SELF-PROVED WILL. (1) Any will may be simultaneously executed, attested, and made self-proved, by the acknowledgment thereof by the testator and the affidavits of the witnesses, each made before an officer authorized to administer oaths under the laws of the state where execution occurs and evidenced by the officer's certificate, under official seal, in form and content substantially as follows:

I,, the testator, sign my name to this instrument this day of,, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my last will and that I sign it willingly (or willingly direct another to sign for me), that I execute it as my free and voluntary act for the purposes therein expressed, and that I am eighteen (18) years of age or older, of sound mind, and under no constraint or undue influence.

.....
 Testator

We,,, the witnesses, sign our names to this instrument, being first duly sworn, and do hereby declare to the undersigned authority that the testator signs and executes this instrument as his last will and that he signs it willingly (or willingly directs another to sign for him), and that each of us, in the presence and hearing of the testator, hereby signs this will as witness to the testator's signing, and that to the best of his knowledge the testator is eighteen (18) years of age or older, of sound mind, and under no constraint or undue influence.

.....
 Witness

 Witness

The State of
 County of

Subscribed, sworn to and acknowledged before me by, the testator and subscribed and sworn to before me by, and, witnesses, this day of
(Seal)

(Signed)
.
(Official capacity of officer)

(2) An attested will may at any time subsequent to its execution be made self-proved by the acknowledgment thereof by the testator and the affidavits of the witnesses, each made before an officer authorized to administer oaths under the laws of the state where the acknowledgment occurs and evidenced by the officer's certificate, under the official seal, attached or annexed to the will in form and content substantially as follows:

The State of
County of

We,,, and, the testator and the witnesses, respectively, whose names are signed to the attached or foregoing instrument, being first duly sworn do hereby declare to the undersigned authority that the testator signed and executed the instrument as his last will and that he had signed willingly (or willingly directed another to sign for him), and that he executed it as his free and voluntary act for the purposes therein expressed, and that each of the witnesses, in the presence and hearing of the testator, signed the will as witness and that to the best of his knowledge the testator was at that time eighteen (18) years of age or older, of sound mind and under no constraint or undue influence.

.
Testator
.
Witness
.
Witness

Subscribed, sworn to and acknowledged before me by, the testator, and subscribed and sworn to before me by, and, witnesses, this day of
(Seal)

(Signed)
.
(Official capacity of officer)

(3) A will may be executed, and made self-proved, in compliance with sections 51-109, ~~55-712A or 55-712B~~, Idaho Code, and attested as set forth in subsections (1) and (2) of this section.

SECTION 10. That Section 15-12-105, Idaho Code, be, and the same is hereby amended to read as follows:

15-12-105. EXECUTION OF POWER OF ATTORNEY. A power of attorney must be signed by the principal or in the principal's conscious presence by another individual directed by the principal to sign the principal's name on the power of attorney, including as set forth in section 73-114, Idaho Code. The signature is presumed to be genuine if the principal acknowledges the signature before a notary public or other individual authorized to take acknowledgments, including as set forth in section 51-109(6), Idaho Code, ~~or section 55-712B, Idaho Code.~~

SECTION 11. That Section 19-5801, Idaho Code, be, and the same is hereby amended to read as follows:

19-5801. DEFINITIONS. As used in this chapter:

- (1) "Alternative Idaho mailing address" means the address of a law enforcement officer's employing entity.
- (2) "Application" means a written form prescribed and made available by the Idaho peace officer standards and training council. Such application shall contain, at minimum, all of the following:
 - (a) A sworn statement by the law enforcement officer's employing entity that the applicant is in fact a law enforcement officer as defined in subsection (6) of this section;
 - (b) A sworn statement by the law enforcement officer that names such officer's residing household member(s), if any, as defined in subsection (11) 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 law enforcement officer and such officer's residing household member(s) can be contacted by the public agency; and
 - (d) A sworn statement by the law enforcement officer that such officer knowingly and voluntarily designates his or her employing entity as agent for purposes of service of process and receipt of first class, certified or registered mail.
- (3) "County detention officer" means an employee in a county jail who is responsible for the safety, care, protection and monitoring of county jail inmates.
- (4) "Custodian" as defined in section 74-101, Idaho Code.
- (5) "Federal officer" means a special agent or law enforcement officer who is a resident ~~as defined in section 51-102, Idaho Code,~~ of this state employed by a federal agency and who is empowered to effect an arrest with or without a warrant for violations of the United States Code and who is authorized to carry firearms in the performance of duty.
- (6) "Law enforcement officer" means any current federal officer, peace officer, parole officer, probation officer, correctional officer, county detention officer and any person who prosecutes criminal cases. The term "law enforcement officer" shall not include a person who holds an elected office.
- (7) "Parole officer" means an employee of the Idaho department of correction who is charged with or whose duties include supervision of parolees.
- (8) "Peace officer" means any employee of a police or law enforcement agency which is a part of or administered by the state or any political subdivision thereof and whose duties include and primarily consist of the prevention and detection of crime and the enforcement of penal, traffic or highway laws of this state or any political subdivision. "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 standards 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.
- (9) "Probation officer" means an employee of the Idaho department of correction or of the Idaho department of juvenile corrections who is charged with or whose duties include supervision of probationers.
- (10) "Public agency" as is defined in section 74-101, Idaho Code.
- (11) "Residing household member(s)" means a law enforcement officer's spouse and any child or children who currently reside at the same residential street address as such officer.

SECTION 12. That Section 31-1408, Idaho Code, be, and the same is hereby amended to read as follows:

31-1408. FIRE PROTECTION BOARD -- APPOINTMENT OF COMMISSIONERS -- OATH. (1) There shall be three (3) fire protection commissioners in each district, who shall constitute the fire protection board. The first fire protection commissioners of such fire protection district shall be appointed by the governor. The certificate of such appointment shall be made in triplicate: one (1) certificate shall be filed in the office of the county recorder of the county, one (1) with the clerk of the board of county commissioners, and one (1) with the assessor and tax collector of the county. Every fire protection commissioner and appointed officer shall take and subscribe the official oath, which oath shall be filed in the office of the board of fire protection commissioners. If thirty-three percent (33%) of the area or population in the fire protection district is situated in two (2) or more counties, not more than two (2) of the appointed fire protection district commissioners shall be from the same county.

(2) The oath of office of fire protection commissioners and appointed officers shall be taken before the secretary or the president of the board of the fire protection district at the first regularly scheduled board meeting in January succeeding each election. Provided however, in the event of an inability to appear for the taking of the oath, a duly elected fire protection commissioner may be sworn in and may subscribe to the oath wherever he may be, provided he appear before an officer duly authorized to administer oaths, and provided further that any person who is in any branch of the armed forces of the United States of America may appear before any person qualified to administer oaths as prescribed in section 55-705 51-113, Idaho Code, and may take and subscribe the oath of office as provided for in section 59-401, Idaho Code, and the oath of office shall have the same force and effect as though it were taken before the secretary or the president of the fire protection district pursuant to this subsection.

SECTION 13. That Section 55-805, Idaho Code, be, and the same is hereby amended to read as follows:

55-805. ACKNOWLEDGMENT NECESSARY TO AUTHORIZE RECORDING. Before an instrument may be recorded, unless it is otherwise expressly provided, its execution must be acknowledged by the person executing it, or if executed by a corporation, by its president or vice president, or secretary or assistant secretary, or other person executing the same on behalf of the corporation, or if executed in the name of the state of Idaho or any county, political subdivision, municipal, quasi-municipal, or public corporation, by one (1) or more of the officers of such state, county, political subdivision, municipal, quasi-municipal, or public corporation executing the same, or if executed in a partnership name, by one (1) or more of the partners who subscribed the partnership name thereto, or if executed by a limited liability company, by the manager, member or other person executing the same on behalf of the limited liability company, or the execution must be proved and the acknowledgment or proof, certified in substantially the manner prescribed by chapter 71, title 551, Idaho Code; provided, that if such instrument shall have been executed and acknowledged in any other state or territory of the United States, or in any foreign country, according to the laws of the state, territory or country wherein such acknowledgment was taken, the same shall be entitled to record, and a certificate of acknowledgment indorsed upon or attached to any such instrument purporting to have been made in any such state, territory or foreign country, shall be prima facie sufficient to entitle the same to such record.

SECTION 14. That Section 59-404, Idaho Code, be, and the same is hereby amended to read as follows:

59-404. COUNTY OFFICERS -- TIME AND PLACE OF TAKING OATH. The oath of office of county elective officers shall be taken by the county commissioners before the county recorders of their respective counties, on the second Monday of January succeeding each general election, and on the same day the other county officers shall take and subscribe the official oath before the chairman of the board. Provided, however, in the event of inability to appear for the taking of the oath, for any reason, a duly elected county official may be sworn in and may subscribe to the oath, wherever he may be, provided he appear before an officer duly authorized to administer oaths, and provided further, that any person who is in any branch of the armed forces of the United States of America, may appear before any person qualified to administer oaths, as prescribed in section ~~55-705~~ 51-113, Idaho Code, and may take and subscribe the oath of office as provided for in section 59-401, Idaho Code, of this title and chapter, and the oath of office shall have the same force and effect as though it were taken before the county commissioners as herein provided.

SECTION 15. That Section 59-407, Idaho Code, be, and the same is hereby amended to read as follows:

59-407. INABILITY TO APPEAR -- TAKING OATH. Whenever any elective state official shall be unable to appear for the taking of his oath as provided for in this code, for any reason, including his being a member of the armed forces of the United States, he may be sworn in and may take his oath wherever he may be, before an officer duly authorized to administer oath and if any person duly elected to a state elective position be in the armed forces of the United States of America at the time for taking his oath as provided in this chapter, he may appear before any person qualified to administer an oath, as prescribed in section ~~55-705~~ 51-113, Idaho Code, and may take the oath of office provided for in section 59-401, Idaho Code, and the oath shall have the same force and effect as though it were taken before an officer, legally granted the right to administer oaths within the state of Idaho.

SECTION 16. This act shall be in full force and effect on and after July 1, 2017; except that Sections 5, 6 and 7 shall be in full force and effect on and after October 1, 2018, and Section 51-122, Idaho Code, as set forth in Section 3 of this act, shall be in full force and effect on and after July 1, 2019.

Approved March 27, 2017

CHAPTER 193
(H.B. No. 211)

AN ACT

RELATING TO THE INVASIVE SPECIES FUND; AMENDING SECTION 67-7008A, IDAHO CODE, TO INCREASE THE INVASIVE SPECIES STICKER FEE FOR NONRESIDENTS; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 67-7008A, Idaho Code, be, and the same is hereby amended to read as follows:

67-7008A. ADDITIONAL FEES -- DEPOSIT INTO INVASIVE SPECIES FUND. (1) In addition to any other moneys or fees collected pursuant to the provisions of section 67-7008, Idaho Code, or any other provision of chapter 70, title 67, Idaho Code, all vessels shall pay an additional fee each calendar year as follows:

(a) Motorized vessels and sailboats:

(i) Ten dollars (\$10.00) per vessel numbered in the state of Idaho prior to launch into the public waters of the state;

(ii) ~~Twenty-two~~ Thirty dollars (\$~~22~~30.00) per vessel documented through the United States coast guard or registered or numbered outside the state of Idaho prior to launch into the public waters of the state.

(b) Nonmotorized vessels: Seven dollars (\$7.00) per vessel prior to launch into the public waters of the state.

(c) Licensed outfitters, as defined in section 36-2102(b), Idaho Code, with nonmotorized fleets exceeding five (5) vessels shall be afforded a prorated group rate of thirty-two dollars (\$32.00) for six (6) to ten (10) vessels; fifty-seven dollars (\$57.00) for eleven (11) to twenty (20) vessels; and one hundred two dollars (\$102) for twenty-one (21) or more vessels up to a maximum of one hundred (100) vessels. The fee for any additional vessels shall be one dollar (\$1.00) per vessel. The licensed outfitter group rates shall also be available for groups exempt from licensing pursuant to section 36-2103, Idaho Code.

(2) Upon payment of the fee as provided in this section, the payor shall be issued a protection against invasive species sticker that shall be displayed on the vessel in a manner as prescribed by the rules of the department. Stickers shall be considered in full force and effect through December 31 of the year of issue.

(3) Fees shall be collected by the department or authorized vendor.

(a) Vendors may retain one dollar and fifty cents (\$1.50) of fees collected pursuant to this section except those collected pursuant to subsection (1) (a) (i) of this section.

(b) The department shall retain up to twenty percent (20%) of the fees for the actual costs of administering the sticker program.

(c) All remaining fees collected pursuant to this section shall be deposited in the invasive species fund established in section 22-1911, Idaho Code.

(d) For the purpose of this section, "vessel" is defined in section 67-7003(22), Idaho Code. All vessels are subject to the provisions of this section, with the exception of small rafts and other inflatable vessels less than ten (10) feet in length.

(4) If the protection against invasive species sticker is lost, stolen or destroyed, any sticker remnants shall be returned to the department along with a three dollar (\$3.00) fee for a duplicate sticker.

(5) A person engaged in the manufacture or sale of vessels may obtain a sticker to be used in the testing or demonstration only of vessels by temporary placement of the protection against invasive species sticker on the vessel tested or demonstrated.

SECTION 2. This act shall be in full force and effect on and after January 1, 2018.

Approved March 27, 2017

CHAPTER 194
(H.B. No. 228)

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-1024, IDAHO CODE, TO AUTHORIZE THE DEVELOPMENT AND MAINTENANCE OF AN ADULT EDUCATION ONLINE PORTAL AND A PARENT RESOURCE ONLINE PORTAL.

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

SECTION 1. That Section 33-1024, Idaho Code, be, and the same is hereby amended to read as follows:

33-1024. ONLINE COURSE PORTALS. (1) Of the moneys appropriated to the educational support program, up to one hundred fifty thousand dollars (\$150,000) may be expended for the development and maintenance of an internet-based portal of available online, nonsectarian K-12 or dual credit courses available from; an adult education portal; and a parent resource portal.

(2) The nonsectarian K-12 or dual credit courses portal shall include any of the following:

- (a) Idaho digital learning academy;
- (b) Idaho public school districts;
- (c) Idaho public charter schools;
- (d) Idaho public colleges and universities;
- (e) Idaho private colleges and universities accredited by the same organization that accredits Idaho's public colleges and universities; and
- (f) Any provider of online courses; provided however, that the courses available on the portal have been verified and approved by the state department of education to meet state content standards.

(23) At a minimum, the nonsectarian K-12 or dual credit courses portal shall:

- (a) Include and display customer ratings from students and parents, based upon previous student enrollment with the online course, provider and instructor. Such ratings shall, at a minimum, evaluate the quality of content, instruction, communications and ease of use;
- (b) Include the capacity for parents to notify their student's home school of their desire to enroll their student in an online course listed on the portal; and
- (c) Facilitate communications between listed online course providers, students and parents and the home school in which the student is enrolled.

(4) At a minimum, the adult education or parent resource portal shall provide access to tools and resources focused on K-12 education.

Approved March 27, 2017

CHAPTER 195
(H.B. No. 230)

AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-107, IDAHO CODE, TO REVISE THE AMOUNT FROM CERTAIN LICENSES TO BE USED FOR SPECIFIED PURPOSES AND TO PROVIDE FOR THE USE OF MONEYS FOR FISHING ACCESS; AMENDING SECTION 36-111, IDAHO CODE, TO REVISE PROVISIONS REGARDING MONEYS PAID INTO THE FISH AND GAME SET-ASIDE ACCOUNT AND TO PROVIDE FOR THE USE OF MONEYS DERIVED FROM CERTAIN LICENSE ENDORSEMENTS; AMENDING SECTION 36-115, IDAHO CODE, TO REFERENCE PAYMENTS TO THE SECONDARY DEPREDATION ACCOUNT FROM THE SET-ASIDE ACCOUNT, TO REVISE PROVISIONS REGARDING THE TRANSFER OF CERTAIN AMOUNTS FROM THE EXPENDABLE BIG GAME DEPREDATION FUND AND TO REVISE CONDITIONS AND REQUIREMENTS REGARDING PAYMENT FOR CERTAIN DAMAGES DUE TO DEPREDATION; AMENDING SECTION 36-406, IDAHO CODE, TO REVISE CERTAIN DEPOSIT PROVISIONS REGARDING THE FISH AND GAME SET-ASIDE ACCOUNT; AMENDING SECTION 36-407, IDAHO CODE, TO PROVIDE FOR THREE YEAR NONRESIDENT JUNIOR FISHING LICENSES; AMENDING CHAPTER 4, TITLE 36, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 36-414, IDAHO CODE, TO PROVIDE FOR LICENSE ENDORSEMENTS TO FUND WILDLIFE DEPREDATION COMPENSATION AND PREVENTION AND SPORTSMEN ACCESS PROGRAMS; AMENDING SECTION 36-416, IDAHO CODE, TO REVISE CERTAIN LICENSE FEES; AMENDING SECTION 36-1108, IDAHO CODE, TO CLARIFY REFERENCES TO ANTELOPE AS PRONGHORN ANTELOPE, TO PROVIDE FOR VERBAL OR ELECTRONIC REPORTING OF DAMAGE AND TO REVISE PROVISIONS REGARDING PROCEDURES ASSOCIATED WITH DEPREDATION CLAIMS; AMENDING SECTION 36-1110, IDAHO CODE, TO PROVIDE FOR VERBAL OR ELECTRONIC REPORTING OF DAMAGE, TO PROVIDE THAT THE DIRECTOR MAY RESPOND PURSUANT TO SPECIFIED LAW AND TO PROVIDE THAT METHODS OF DETERMINING FORAGE UTILIZATION AND DAMAGE OR LOSS DUE TO WILDLIFE MAY INCLUDE EXCLOSURE CAGES OR OTHER DEVICES; PROVIDING LEGISLATIVE INTENT; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY AND PROVIDING EFFECTIVE DATES.

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

SECTION 1. That Section 36-107, Idaho Code, be, and the same is hereby amended to read as follows:

36-107. FISH AND GAME ACCOUNT. (a) The director shall promptly transmit to the state treasurer all moneys received by him, from the sale of hunting, fishing and trapping licenses, tags and permits or from any other source connected with the administration of the provisions of the Idaho fish and game code or any law or regulation for the protection of wildlife, including moneys received from the sale of predatory animal furs taken under the provisions of this chapter, and the state treasurer shall deposit all such moneys in the fish and game account, which is hereby established, reserved, set aside, appropriated in the state treasury, and made available until expended as may be directed by the commission in carrying out the purposes of the Idaho fish and game code or any law or regulation promulgated for the protection of wildlife, and shall be used for no other purpose. Pending expenditure or use, surplus moneys in the fish and game account shall be invested by the state treasurer in the manner provided for idle state moneys in the state treasury by section 67-1210, Idaho Code. Interest received on all such investments shall be paid into the account. The state controller shall annually, by August 1 of each year, transfer the sum of one hundred thousand dollars (\$100,000) from the fish and game account to the University of Idaho College of Agricultural and Life Sciences, Department of Animal and Veterinary Science for disease research regarding the interaction of dis-

ease between wildlife and domestic livestock. Said moneys shall be expended on projects agreed upon by the University of Idaho College of Agricultural and Life Sciences, Department of Animal and Veterinary Science and the director of the department of fish and game.

(b) The commission shall govern the financial policies of the department and shall, as provided by law, fix the budget for the operation and maintenance of its work for each fiscal year. Said budget shall not be exceeded by the director.

(c) The sum of ~~two~~ five dollars (\$~~25~~25.00) from each license authorized in sections 36-406(a) and 36-407(b), Idaho Code, which entitles a person to fish, shall be used for the construction, repair, or rehabilitation of state fish hatcheries, fishing lakes, or reservoirs or for fishing access.

(d) The department is authorized to expend up to one dollar and fifty cents (\$1.50) from each resident deer and elk tag sold and five dollars (\$5.00) from each nonresident deer and elk tag sold to fund the department's big game landowner-sportsman's relations program.

SECTION 2. That Section 36-111, Idaho Code, be, and the same is hereby amended to read as follows:

36-111. FISH AND GAME SET-ASIDE ACCOUNT. (1) There is hereby established the fish and game set-aside account in the dedicated fund. The account shall have paid into it moneys as follows:

(a) Four dollars (\$4.00) of each steelhead trout or anadromous salmon permit sold, except that class 7 permits shall be exempt from this provision. Moneys from this source shall be used for the acquisition, development and maintenance of parking areas, access sites, boat ramps and sanitation facilities in salmon and steelhead fishing areas, for management of and research on steelhead trout and anadromous salmon problems, and for technical assistance with litigation concerning steelhead and anadromous salmon originating in Idaho.

(b) Two dollars (\$2.00) from each combination hunting and fishing license, or each hunting license sold, as provided in sections 36-406 and 36-407, Idaho Code, except that class 4 and class 7 licenses shall be exempt from this provision. Moneys from this source shall be used for the purposes of acquiring access to and acquiring and rehabilitating big game ranges and upland bird and waterfowl habitats. Unless it is inconsistent with the goals of the commission, it is the intent of the legislature that the commission negotiate lease arrangements as compared with outright purchase of private property.

(c) ~~One~~ Three dollars and fifty cents (~~\$13~~\$13.50) from each pronghorn antelope, elk and deer tag sold as provided in section 36-409, Idaho Code, except that class 7 tags shall be exempt from this provision. Not less than one dollar and seventy-five cents (75¢\$1.75) of each ~~one three~~ dollars and fifty cents (\$13.50) collected shall be placed in a separate account to be designated as a feeding account. Moneys in this account shall be used exclusively for the purposes of actual supplemental winter feeding of pronghorn antelope, elk and deer. Moneys shall be used solely for the purchase of blocks, pellets and hay for such winter feeding purposes and/or for the purchase of seed or other material, labor or mileage that can be shown to directly provide feed or forage for the winter feeding of pronghorn antelope, elk and deer. The balance of moneys realized from this source may be used for the control of depredation of private property by pronghorn antelope, elk and deer and control of predators affecting pronghorn antelope, elk and deer. Moneys in the feeding account shall not be used for any purpose other than winter feeding as herein specified. Moneys in the feeding account may not be expended except upon the declaration of a feeding emergency by the director of the department of fish and game. Such emergency need not exist

on a statewide basis but can be declared with respect to one (1) or more regions of the state. The department shall by rule establish the criteria for a feeding emergency. The department shall submit a yearly report to the senate resources and environment committee and the house resources and conservation committee of the legislature on or before July 31, detailing how funds in the feeding account have been expended during the preceding fiscal year.

(d) Those amounts designated by individuals in accordance with section 63-3067A(3)(a), Idaho Code, and from fees paid under the provisions of section 49-417, Idaho Code. Moneys from these sources shall be used for a nongame management and protection program under the direction of the fish and game commission.

(e) Money derived from the assessment of processing fees. Moneys derived from this source shall be used as provided in section 36-1407, Idaho Code.

(f) Money derived from each license endorsement pursuant to the provisions of section 36-414, Idaho Code. Moneys derived from this source shall be spent as follows:

(i) The state controller shall annually, as soon after July 1 of each year as practical, transfer five hundred thousand dollars (\$500,000) to the expendable big game depredation fund established in section 36-115(b), Idaho Code.

(ii) The next five hundred thousand dollars (\$500,000) shall be used for control of depredation of private property by pronghorn antelope, elk and deer and control of predators affecting pronghorn antelope, elk and deer.

(iii) The balance shall be used for sportsmen access programs. Provided however, that none of these moneys shall be used to purchase private property.

(2) Moneys in the fish and game set-aside account and the feeding account established in subsection (1)(c) of this section are subject to appropriation and the provisions of section 67-3516, Idaho Code. Moneys in the fish and game set-aside account and the feeding account shall be invested by the state treasurer in the manner provided for investment of idle state moneys in the state treasury by section 67-1210, Idaho Code, with interest earned on investments from each account to be paid into that account.

SECTION 3. That Section 36-115, Idaho Code, be, and the same is hereby amended to read as follows:

36-115. NONEXPENDABLE BIG GAME DEPREDATION FUND -- EXPENDABLE BIG GAME DEPREDATION FUND. (a) The nonexpendable big game depredation fund is hereby established in the state treasury. On July 1, 2005, the state controller shall transfer two million two hundred fifty thousand dollars (\$2,250,000) from the big game secondary depredation account, created pursuant to section 3, chapter 370, laws of 1990, to the nonexpendable big game depredation fund. Moneys in the fund shall be invested as provided in section 67-1210, Idaho Code, and interest earned on investment of idle moneys in the fund shall be paid to the expendable big game depredation fund. The principal amount in the fund shall not be appropriated, but only the interest earned on investment of the moneys in the fund shall be available for appropriation to the expendable big game depredation fund.

(b) The big game secondary depredation account was created in the state treasury pursuant to section 3, chapter 370, laws of 1990, and shall, from the date of enactment of this act, be known and referred to as the expendable big game depredation fund. In addition to payments to the fund from the nonexpendable big game depredation fund as provided for in subsection (a) of this section and from the set-aside account as provided for in section 36-111(f), Idaho Code, the state controller shall annually, as soon after

July 1 of each year as practical, transfer into the fund two hundred thousand dollars (\$200,000) from the fish and game account. Moneys in the fund are subject to appropriation for the purposes recited in section 36-122, Idaho Code, section 36-1108(a)3., Idaho Code, section 36-1108(b), Idaho Code, section 36-1109 and section 36-1110, Idaho Code. Moneys in the fund shall be invested as provided in section 67-1210, Idaho Code, and interest earned on investment of idle moneys in the fund shall be paid to the fund. The expendable big game depredation fund shall be under the administrative direction of the state controller.

(c) The state controller shall annually report to the legislature, the division of financial management, the director of the department of agriculture and the director of the department of fish and game the amount of interest earnings and the availability of moneys in the expendable big game depredation fund for appropriation. At the close of each fiscal year, any unexpended and unencumbered balance that exceeds ~~seven hundred fifty two million five hundred thousand dollars (\$750,000,500,000)~~, shall be transferred as follows: ~~one hundred thousand dollars (\$100,000) to the fish and game set-aside account to be earmarked for sportsmen access programs with the remaining amount transferred to the animal damage control account~~ fish and game set-aside account to be earmarked for control of depredation of private property by pronghorn antelope, elk and deer and control of predators affecting pronghorn antelope, elk and deer established pursuant to section 36-112111, Idaho Code. Transferred funds to the set-aside account shall be spent pursuant to the respective appropriations for the set-aside account ~~and the animal damage control account.~~

(d) Any payment for damages pursuant to section 36-1108(b), Idaho Code, is limited by the following conditions and requirements:

1. The full amount of any approved claim will not be paid at the time of approval, but shall be subject to the following conditions and requirements:

(A) The director of the department of fish and game may order not more than one-half (1/2) of the amount of the approved claim that is to be paid from the expendable big game depredation fund to be paid immediately, if, in the judgment of the director, such payment is within the estimated total claims liability for that fiscal year from the expendable big game depredation fund.

(B) The balance of all unpaid approved claim amounts, including claims submitted under the provisions of sections 36-1109 and 36-1110, Idaho Code, shall be accumulated to a total as of June 30. If the balance in the expendable big game depredation fund appropriation is sufficient to pay the balance of all approved claims, the director shall pay them. If the balance is not sufficient to pay all approved claims, the director shall authorize a proportionate amount to be paid to each claimant.

(C) The director shall encumber the balance of moneys appropriated from the expendable big game depredation fund, or moneys sufficient to pay the approved claims, whichever is the lesser.

2. Each claimant must submit a statement of total damages sustained per occurrence. For each such statement, the following conditions and requirements apply:

(A) The amount of ~~one thousand seven hundred fifty dollars (\$1,000,750)~~ must be deducted from each such statement. This deductible is a net loss to the owner or lessee, and will not be compensated for from the expendable big game depredation fund, but the owner or lessee is required to absorb only a single ~~one thousand seven hundred fifty dollar (\$1,000,750)~~ deductible per claim.

(B) Provided however, that for claims in subsequent years for damage to standing or stored crops in the same location as the

first occurrence, the ~~one thousand~~ seven hundred fifty dollar (\$1,000750) deductible will be waived if the department failed to prevent property loss following the first occurrence.

3. Each approved claim must contain a certification by the director of the department of fish and game, or his designee, that:

(A) All statutory requirements leading up to approval for payment have been met.

(B) The claimant has certified that he will accept the amount approved as payment in full for the claim submitted, subject to the conditions and requirements of this subsection.

(e) Any claim for damages pursuant to section 36-1109, Idaho Code, is limited by the following conditions and requirements:

1. The full amount of any approved claim will not be paid at the time of approval, but shall be subject to the following conditions and requirements:

(A) The director of the department of fish and game may order that not more than one-half (1/2) of the amount of the approved claim to be paid immediately, if, in the judgment of the director, such payment is within the estimated total claims liability for that fiscal year from the expendable big game depredation fund.

(B) The balance of all unpaid approved claim amounts shall be accumulated to a total as of June 30. If the balance in the expendable big game depredation fund appropriation is sufficient to pay all approved claims, the director shall promptly pay them. If the balance is not sufficient to pay the balance of all approved claims, the director shall pay a proportionate share to each claimant.

(C) The director shall encumber the balance of the appropriation, or moneys sufficient to pay the approved claims, whichever is the lesser.

2. Each claimant must submit a statement of total damages sustained per occurrence. For each such statement, the following condition applies: the amount of ~~one thousand~~ seven hundred fifty dollars (\$1,000750) must be deducted from each such statement. Provided however, if an owner or caretaker suffers damage to or destruction of livestock in more than one (1) occurrence during the fiscal year, then only one (1) deductible must be subtracted from the claims and the deductible on subsequent claims will be waived. This deductible is a net loss to the owner or caretaker, and will not be compensated for from the expendable big game depredation fund.

3. Each approved claim must contain a certification by the director of the department of fish and game, or his designee, that:

(A) All statutory requirements leading up to approval for payment have been met.

(B) The claimant has certified that he will accept the amount approved as payment in full for the claim submitted, subject to the conditions and requirements of this subsection.

(f) Any claim for damages to forage pursuant to section 36-1110, Idaho Code, is limited by the following conditions and requirements:

1. The full amount of any approved claim will not be paid at the time of approval, but shall be subject to the following conditions and requirements:

(A) The director of the department of fish and game may order not more than one-half (1/2) of the amount of the approved claim to be paid immediately, if, in the judgment of the director, such payment is within the estimated total claims liability for that fiscal year from the expendable big game depredation fund.

(B) The balance of all unpaid approved claim amounts shall be accumulated to a total as of June 30. If the balance in the expend-

able big game depredation fund appropriation is sufficient to pay all approved claims, the director shall pay them. If the balance is not sufficient to pay all approved claims, the director shall authorize a proportionate amount to be paid to each claimant.

(C) The director shall encumber the balance of the appropriation, or moneys sufficient to pay the approved claims, whichever is the lesser.

2. Each claimant must submit a statement of total damages sustained per occurrence. For each such statement, the following conditions and requirements apply:

(A) The amount of ~~one thousand~~ seven hundred fifty dollars (\$~~1,000~~750) must be deducted from each such statement. This deductible is a net loss to the owner or lessee, and will not be compensated for from the expendable big game depredation fund.

(B) The total amount of all claims for damages to forage that may be paid from the expendable big game depredation fund shall not exceed ~~twenty-five~~ fifty percent (~~25~~50%) of the amount of interest earned from investments of moneys in that fund in any one (1) fiscal year.

3. Each approved claim must contain a certification by the director of the department of fish and game, or his designee, that:

(A) All statutory requirements leading up to approval for payment have been met.

(B) The claimant has certified that he will accept the amount approved as payment in full for the claim submitted, subject to the conditions and requirements of this subsection.

SECTION 4. That Section 36-406, Idaho Code, be, and the same is hereby amended to read as follows:

36-406. RESIDENT FISHING, HUNTING AND TRAPPING LICENSES -- FEES. (a) Adult Licenses -- Combination -- Fishing -- Hunting -- Trapping. A license of the first class may be had by a person possessing the qualifications therein described on payment of a fee as specified in section 36-416, Idaho Code, for a combined fishing and hunting license entitling the purchaser to hunt and fish for game animals, game birds, unprotected and predatory wildlife and fish of the state, a fee as specified in section 36-416, Idaho Code, for a fishing license entitling the purchaser to fish in the public waters of the state, a fee as specified in section 36-416, Idaho Code, for a hunting license entitling the purchaser to hunt game animals, game birds, unprotected and predatory wildlife of the state, and a fee as specified in section 36-416, Idaho Code, for a trapping license entitling the purchaser to trap wolves, furbearing animals and unprotected and predatory wildlife of the state.

(b) Junior Licenses -- Hunting -- Trapping. A license of the second class may be had by a person possessing the qualifications therein described on payment of a fee as specified in section 36-416, Idaho Code, for a hunting license, and a fee as specified in section 36-416, Idaho Code, for a trapping license entitling the purchaser to the same privileges as the corresponding license of the first class provides.

(c) Junior Combination -- Fishing Licenses. A license of the third class may be purchased by a person possessing the qualifications therein described on payment of a fee as specified in section 36-416, Idaho Code, for a combined fishing and hunting license, and a fee as specified in section 36-416, Idaho Code, for a fishing license entitling the purchaser to the same privileges as the corresponding license of the first class provides.

(d) Senior Resident Combination. A license of the fourth class may be had by a person possessing the qualifications therein described on payment of a fee as specified in section 36-416, Idaho Code, for a combined fishing and hunting license entitling the purchaser to the same privileges as the corresponding license of the first class provides.

(e) Lifetime Licenses -- Combination -- Hunting -- Fishing. A license of the fifth class may be obtained at no additional charge by a person possessing the qualifications therein described for a combined hunting and fishing license, for a hunting license, or for a fishing license, entitling the person to the same privileges as the corresponding license of the first class provides. Lifetime licensees must be certified under the provisions of section 36-413, Idaho Code, before being issued a license to hunt.

(f) A license of the eighth class may be had by a person possessing the qualifications therein described on payment of a fee as specified in section 36-416, Idaho Code, entitling the purchaser to hunt and fish for game animals, game birds, fish, and unprotected and predatory wildlife of the state. With payment of the required fee, a person shall receive with this license a deer tag, an elk tag, a bear tag, a turkey tag, a mountain lion tag, a wolf tag, an archery hunt permit, a muzzleloader permit, a steelhead trout permit and an anadromous salmon permit. The director shall promptly transmit to the state treasurer all moneys received pursuant to this subsection for deposit as follows:

- (i) Four dollars (\$4.00) in the fish and game set-aside account for the purposes of section 36-111(1)(a), Idaho Code;
- (ii) Two dollars (\$2.00) in the fish and game set-aside account for the purposes of section 36-111(1)(b), Idaho Code;
- (iii) ~~One Three~~ Three dollars and fifty cents (~~\$13~~3.50) in the fish and game set-aside account for the purposes of section 36-111(1)(c), Idaho Code; and
- (iv) The balance in the fish and game account.

All persons purchasing a license pursuant to this subsection shall observe and shall be subject to all rules of the commission regarding the fish and wildlife of the state.

If the purchaser of this license does not meet the archery education requirements of section 36-411(b), Idaho Code, then, notwithstanding the provisions of section 36-304, Idaho Code, the archery hunt permit portion of this license is invalid. The fee for this license will not change and the license must be issued without the archery permit validation.

(g) Disabled Persons Licenses -- Combination -- Fishing. A license of the first class may be had by any resident disabled person on payment of a fee as specified in section 36-416, Idaho Code, for a combined fishing and hunting license, and a fee as specified in section 36-416, Idaho Code, for a fishing license, entitling the purchaser to the same privileges as the corresponding license of the first class provides. A disabled person means a person who is deemed disabled by one (1) or more, but not necessarily all, of the following: the railroad retirement board pursuant to title 45 of the United States Code, or certified as eligible for federal supplemental security income (SSI); or social security disability income (SSDI); or a non-service-connected veterans pension; or a service-connected veterans disability benefit with forty percent (40%) or more disability; or certified as permanently disabled by a physician. Once determination of permanent disability has been made with the department, the determination shall remain on file within the electronic filing system and the license holder shall not be required to present a physician's determination each year or prove their disability each year.

(h) Military Furlough Licenses -- Combination -- Fishing. A license of the first class may be had by a resident person engaged in the military service of the United States, while on temporary furlough or leave, possessing the qualifications therein described on payment of a fee as specified in section 36-416, Idaho Code, for a combined fishing and hunting license, and as specified in section 36-416, Idaho Code, for a fishing license.

(ji) Adult Licenses -- Three Year -- Combination -- Fishing -- Hunting. A license of the first class may be had by a person possessing the qualifications therein described on payment of three (3) times the fee as specified in section 36-416, Idaho Code, for a combined fishing and hunting license entitling the purchaser to hunt and fish for game animals, game birds, fish, unprotected and predatory wildlife of the state, three (3) times the fee as specified in section 36-416, Idaho Code, for a fishing license entitling the purchaser to fish in the public waters of the state, or three (3) times the fee as specified in section 36-416, Idaho Code, for a hunting license entitling the purchaser to hunt game animals, game birds, unprotected and predatory wildlife of the state. The expiration date for said licenses shall be December 31 of the third year following the date of issuance.

(kj) Junior Licenses -- Three Year -- Hunting. A license of the second class may be had by a person possessing the qualifications therein described on payment of three (3) times the fee as specified in section 36-416, Idaho Code, for a hunting license. The expiration date for said license shall be December 31 of the third year following the date of issuance.

(lk) Junior Licenses -- Three Year -- Combination -- Fishing Licenses. A license of the third class may be purchased by a person possessing the qualifications therein described on payment of three (3) times the fee as specified in section 36-416, Idaho Code, for a combined fishing and hunting license and three (3) times the fee as specified in section 36-416, Idaho Code, for a fishing license entitling the purchaser to the same privileges as the corresponding license of the first class provides. The expiration date for said licenses shall be December 31 of the third year following the date of issuance.

(ml) Senior Resident Combination License -- Three Year. A license of the fourth class may be had by a person possessing the qualifications therein described on payment of three (3) times the fee as specified in section 36-416, Idaho Code, for a combined fishing and hunting license entitling the purchaser to the same privileges as the corresponding license of the first class provides. The expiration date for said license shall be December 31 of the third year following the date of issuance.

(nm) Disabled Persons Licenses -- Three Year -- Combination -- Fishing. A license of the ninth class may be had by any resident disabled person possessing the qualifications therein described on payment of three (3) times the fee as specified in section 36-416, Idaho Code, for a combined fishing and hunting license, and a fee as specified in section 36-416, Idaho Code, for a fishing license entitling the purchaser to the same privileges as the corresponding license of the first class provides. The expiration date for said licenses shall be December 31 of the third year following the date of issuance.

SECTION 5. That Section 36-407, Idaho Code, be, and the same is hereby amended to read as follows:

36-407. NONRESIDENT COMBINATION, FISHING, HUNTING, AND TRAPPING LICENSES -- FEES -- RIGHTS UNDER. Licenses of the sixth class shall be issued to nonresidents in the several kinds and for fees as follows:

(a) Nonresident Hunting with Three Day Fishing License. A license issued only to a person twelve (12) years of age or older entitling said person to hunt game animals, game birds and unprotected and predatory wildlife and to purchase game tags as provided in section 36-409(b), Idaho Code, and to

fish in the waters of the state for a period of three (3) consecutive days for any fish during an open season for those fish, excluding steelhead trout and anadromous salmon. Provided, that a license may be issued to qualified persons who are eleven (11) years of age to allow the application for a controlled hunt tag; however, said persons shall not hunt until they are twelve (12) years of age. A license of this kind may be had upon payment of a fee as specified in section 36-416, Idaho Code.

(b) Nonresident Season Fishing License. A license entitling a person to fish in the public waters of the state. A license of this kind may be had upon payment of a fee as specified in section 36-416, Idaho Code.

(c) Nonresident Trapping License. A license entitling a person to trap wolves, furbearing, unprotected and predatory wildlife. A license of this kind may be had upon payment of a fee as specified in section 36-416, Idaho Code, providing the state of residence of said person grants similar trapping license privileges to residents of Idaho.

(d) Nonresident Nongame License. A nonresident nongame license to hunt is a license entitling a person to hunt unprotected birds and animals and predatory wildlife of this state. A license of this kind may be had by a nonresident person who is twelve (12) years of age or older upon payment of a fee as specified in section 36-416, Idaho Code.

(e) Nonresident Small Game Hunting License. A license issued only to a person twelve (12) years of age or older, entitling the person to hunt upland game birds (to include turkeys), migratory game birds, upland game animals, huntable furbearing animals, and unprotected and predatory wildlife of this state. A person holding this license shall purchase the appropriate required tags and permits, and may not hunt pheasants in an area during the first five (5) days of the pheasant season in that area. A license of this type may be had upon payment of a fee as specified in section 36-416, Idaho Code.

(f) Falconry Meet Permit. The director may issue a special permit for a regulated meet scheduled for a specific number of days upon payment of a fee as specified in section 36-416, Idaho Code. Only trained raptors may be used under the special permit issued under the provisions of this subsection.

(g) Daily Fishing License -- Resident May Purchase. A license entitling a person to fish in the waters of the state on a day-to-day basis. A license of this kind may be had by a resident or nonresident person (the provisions of section 36-405, Idaho Code, notwithstanding), upon payment of a fee as specified in section 36-416, Idaho Code, for the first effective day and a fee as specified in section 36-416, Idaho Code, for each consecutive day thereafter.

(h) Nonresident Three Day Fishing License with Steelhead or Salmon Permit. A license entitling a nonresident to fish in the waters of the state for a period of three (3) consecutive days for any fish, including steelhead trout or anadromous salmon during an open season for those fish may be had upon payment of a fee as specified in section 36-416, Idaho Code. The three (3) day license holder may fish for any species of fish, steelhead trout and anadromous salmon subject to the limitations prescribed in rules promulgated by the commission. A nonresident may purchase as many of the licenses provided in this subsection as he desires provided that the nonresident is otherwise eligible to do so.

(i) Nonresident Junior Fishing License. A license entitling a nonresident who is less than eighteen (18) years of age to fish in the waters of this state may be had upon payment of a fee as specified in section 36-416, Idaho Code.

(j) Nonresident Combination Licenses. A license entitling the person to hunt and fish for game animals, game birds, fish and unprotected and predatory wildlife of the state and to purchase game tags as provided in section 36-409(b), Idaho Code, may be had by a person twelve (12) years of age or older upon payment of a fee as specified in section 36-416, Idaho Code. A license may be issued to a qualified person who is eleven (11) years of age to allow the application for a controlled hunt tag; however, the person shall not hunt until he is twelve (12) years of age.

(k) Nonresident Junior Mentored Hunting License. A license entitling a nonresident between ten (10) and seventeen (17) years of age, inclusive, to hunt big game animals, upland game birds (including turkeys), migratory game birds, upland game animals, huntable furbearing animals and unprotected and predatory wildlife of this state only when accompanied in the field by the holder of an adult Idaho hunting license. A person holding this license shall purchase the appropriate required tags as provided in section 36-409(b), Idaho Code, and permits. Provided, that a license may be issued to qualified persons who are nine (9) years of age to allow the application for a controlled hunt big game tag or turkey permit; however, said persons shall not hunt until they are ten (10) years of age. A license of this kind may be had upon payment of a fee as specified in section 36-416, Idaho Code.

(l) Nonresident Disabled American Veteran Hunting with Three Day Fishing License. A license entitling a person with a service-connected veterans disability benefit with forty percent (40%) or more disability to hunt game animals, game birds and unprotected and predatory wildlife and to purchase game tags provided in section 36-409(b), Idaho Code, and to fish in the waters of the state for a period of three (3) consecutive days for any fish during an open season for those fish, excluding steelhead trout and anadromous salmon.

(m) Nonresident Hunting License -- Three Year. A license issued only to a person twelve (12) years of age or older entitling said person to hunt game birds, game animals, unprotected and predatory wildlife and to purchase game tags as provided in section 36-409(b), Idaho Code, and to fish in the waters of the state for a period of three (3) consecutive days in each license year for any fish during an open season for those fish, excluding steelhead trout and anadromous salmon. Provided, that a license may be issued to qualified persons who are eleven (11) years of age to allow the application for a controlled hunt tag; however, said persons shall not hunt until they are twelve (12) years of age. A license of this kind may be had upon payment of three (3) times the fee as specified in section 36-416, Idaho Code. The expiration date for said license shall be December 31 of the third year following the date of issuance.

(n) Nonresident Season Fishing License -- Three Year. A license entitling a person to fish in the public waters of the state. A license of this kind may be had upon payment of three (3) times the fee as specified in section 36-416, Idaho Code, for a fishing license. The expiration date for said license shall be December 31 of the third year following the date of issuance.

(o) Nonresident Combination Licenses -- Three Year. A license entitling the person to hunt and fish for game animals, game birds, fish and unprotected and predatory wildlife of the state may be had by a person twelve (12) years of age or older upon payment of three (3) times the fee as specified in section 36-416, Idaho Code, for a combined hunting and fishing license. A license may be issued to a qualified person who is eleven (11) years of age to allow the application for a controlled hunt tag; however, the person shall not hunt until he is twelve (12) years of age. The expiration date for said license shall be December 31 of the third year following the date of issuance.

(p) Nonresident Junior Mentored Hunting License -- Three Year. A license entitling a nonresident between ten (10) and seventeen (17) years of age, inclusive, to hunt game animals, upland game birds (including turkeys), migratory game birds, and unprotected and predatory wildlife of this state only when accompanied in the field by the holder of an adult Idaho hunting license. A person holding this license shall purchase the appropriate required tags as provided in section 36-409(b), Idaho Code, and permits. Provided, that a license may be issued to qualified persons who are nine (9) years of age to allow the application for a controlled hunt turkey permit; however, said persons shall not hunt until they are ten (10) years of age. A license of this kind may be had upon payment of three (3) times the fee as specified in section 36-416, Idaho Code, for a junior mentored hunting license. The expiration date for said license shall be December 31 of the third year following the date of issuance.

(q) Nonresident Junior Fishing License -- Three Year. A license entitling a nonresident who is less than eighteen (18) years of age to fish in the waters of this state. A license of this kind may be had upon payment of three (3) times the fee as specified in section 36-416, Idaho Code, for a nonresident junior fishing license. The expiration date for said license shall be December 31 of the third year following the date of issuance.

SECTION 6. That Chapter 4, 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 36-414, Idaho Code, and to read as follows:

36-414. DEPREDATION AND SPORTSMAN ACCESS PROGRAMS -- LICENSE ENDORSEMENT. (a) To purchase an annual hunting, fishing, combination or trapping license, a person shall purchase a license endorsement to fund wildlife depredation compensation and prevention, and sportsmen access programs as hereinafter provided.

1. A person purchasing a resident license pursuant to section 36-406 (a) or (f), Idaho Code, shall pay five dollars (\$5.00).
2. A person purchasing a resident license pursuant to section 36-406 (b), (c), (d), (g) or (h), Idaho Code, shall pay two dollars (\$2.00).
3. A person purchasing a license pursuant to section 36-406 (i), Idaho Code, shall pay ten dollars (\$10.00).
4. A person purchasing a license pursuant to section 36-406 (j), (k), (l) or (m), Idaho Code, shall pay four dollars (\$4.00).
5. A person purchasing a nonresident license pursuant to section 36-407(a), (b), (c), (e) or (j), Idaho Code, shall pay ten dollars (\$10.00).
6. A person purchasing a nonresident license pursuant to section 36-407 (i), (k) or (l), Idaho Code, shall pay four dollars (\$4.00).
7. A person purchasing a nonresident license pursuant to section 36-407 (m), (n) or (o), Idaho Code, shall pay twenty dollars (\$20.00).
8. A person purchasing a nonresident license pursuant to section 36-407(p) or (q), Idaho Code, shall pay eight dollars (\$8.00).

(b) The director shall promptly transmit to the state treasurer all moneys received pursuant to this section for deposit into the fish and game set-aside account for the purposes of section 36-111(1) (f), Idaho Code.

SECTION 7. That Section 36-416, Idaho Code, be, and the same is hereby amended to read as follows:

36-416. SCHEDULE OF LICENSE FEES. As used in this section, "N/A" means "not available."

(a) Sport Licenses

License	Resident	Non-Resident
Combination License	\$31.75 <u>37.00</u>	\$ 238.25
Hunting License	11.00 <u>14.00</u>	N/A
Hunting License with 3 Day Fishing License	N/A	153.00
Fishing License	24.00 <u>28.75</u>	96.50
Sr. Combination License (65 and Older)	10.00 <u>12.00</u>	N/A
Sportsman's Pak License	114.65 <u>135.00</u>	N/A
Jr. Combination License	15.75 <u>18.00</u>	N/A
Jr. Hunting License	5.50 <u>6.50</u>	N/A
Jr. Mentored Hunting License or Disabled American Veteran Hunting License with 3 Day Fishing License	N/A	30.00
Jr. Fishing License	12.00 <u>14.25</u>	20.00
Disabled Combination License	3.25 <u>4.00</u>	N/A
Disabled Fishing License	3.25 <u>4.00</u>	N/A
Military Furlough Combination License	15.75 <u>18.75</u>	N/A
Military Furlough Fishing License	15.75 <u>18.75</u>	N/A
Small Game Hunting License	N/A	96.00
3 Day Small Game Hunting License	N/A	33.75
Daily Fishing (1st-day) License	9.75 <u>11.75</u>	11.00 <u>13.25</u>
Consecutive Day Fishing License	5.00 <u>6.00</u>	6.00 <u>7.00</u>
3 Day Fishing with Salmon/Steelhead Permit	N/A	35.75
Nongame Hunting License	N/A	33.75
<u>Jr. Trapping License</u>	<u>6.50</u>	<u>N/A</u>
<u>Trapping License</u>	<u>28.00</u>	<u>300.00</u>

(b) Sport Tags

Deer Tag	\$ 18.00 <u>23.00</u>	\$ 300.00
Controlled Hunt Deer Tag	18.00 <u>23.00</u>	300.00
Jr. or Sr. or Disabled American Veteran Deer Tag	9.00 <u>10.75</u>	N/A
Jr. Mentored or Disabled American Veteran Deer Tag	N/A	22.00
Elk A Tag	29.00 <u>35.00</u>	415.00
Elk B Tag	29.00 <u>35.00</u>	415.00
Controlled Hunt Elk Tag	29.00 <u>35.00</u>	415.00
Jr. or Sr. or Disabled American Veteran Elk Tag	14.75 <u>17.00</u>	N/A
Jr. Mentored or Disabled American Veteran Elk Tag	N/A	38.00
<u>Black Bear Tag</u>	9.75 <u>12.00</u>	184.25
Jr. or Sr. or Disabled American Veteran <u>Black Bear Tag</u>	5.00 <u>6.00</u>	N/A
Jr. Mentored or Disabled American Veteran <u>Black Bear Tag</u>	N/A	22.00
Turkey Tag	18.00 <u>21.00</u>	78.25
Jr. or Sr. or Disabled American Veteran Turkey Tag	9.00 <u>10.75</u>	N/A
Jr. Mentored or Disabled American Veteran Turkey Tag	N/A	18.00
Mountain Lion Tag	9.75 <u>12.00</u>	184.25
Gray Wolf Tag	9.75 <u>12.00</u>	184.25
<u>Pronghorn Antelope Tag</u>	29.50 <u>34.75</u>	310.00
Moose Tag	165.00 <u>198.00</u>	2,100.00
<u>Bighorn Sheep Tag</u>	165.00 <u>198.00</u>	2,100.00
<u>Mountain Goat Tag</u>	165.00 <u>198.00</u>	2,100.00
<u>Grizzly Bear Tag</u>	<u>198.00</u>	<u>2,100.00</u>
Sandhill Crane Tag	18.00 <u>21.00</u>	65.75

For purposes of this subsection, disabled American veteran tags provided to nonresidents shall be limited to holders of a nonresident disabled American veterans hunting license.

(c) Sport Permits

Bear Baiting Permit	\$ 11.00 <u>13.25</u>	\$ 30.00
Hound Hunter Permit	11.00 <u>13.25</u>	168.00
WMA Upland Game Bird Permit	22.00 <u>27.00</u>	50.00
Archery Permit	16.50 <u>17.75</u>	18.25
Muzzleloader Permit	16.50 <u>17.75</u>	18.25
Salmon Permit	11.00 <u>13.50</u>	24.00
Steelhead Permit	11.00 <u>13.50</u>	24.00
Federal Migratory Bird Harvest Info. Permit	0.00 <u>1.00</u>	3.00
Disabled Archery Permit	0.00	0.00
2-Pole Fishing Permit	12.00 <u>13.25</u>	13.75
Turkey Controlled Hunt Permit	6.00	6.00
Sage/Sharptail Grouse Permit	3.00 <u>4.00</u>	3.00 <u>4.00</u>
Disabled Hunt Motor Vehicle Permit	0.00	0.00

(d) Commercial Licenses and Permits

Raptor Captive Breeding Permit	\$ 65.75 <u>78.75</u>	\$ 78.75 <u>94.50</u>
Falconry Permit	27.25 <u>78.75</u>	N/A
Falconry Capture Permit	N/A <u>18.50</u>	168.00
Peregrine Capture Permit	<u>30.00</u>	<u>200.00</u>
Jr. Trapping License	5.50	N/A
Trapping License	25.00	300.00
Taxidermist-Fur Buyer License 5- Y <u>year</u> 1 <u>License</u>	175.00	N/A
1- Y <u>year</u> 1 <u>License</u>	38.25	168.25
Shooting Preserve Permit	329.75	N/A
Commercial Wildlife Farm License	137.50	N/A
Commercial Fishing License	110.00	265.00
Wholesale Steelhead License	165.00	198.25
Retail Steelhead Trout Buyer's License	33.00	39.25

(e) Commercial Tags

Bobcat Tag	\$ 3.00	\$ 3.00
Otter Tag	3.00	3.00
Net Tag	55.00	65.75
Crayfish/Minnow Tag	1.25	3.00

(f) Miscellaneous-Other Licenses

Duplicate License	\$ 5.50	\$ 6.50
Shooting Preserve License	11.00	22.00
Captive Wolf License	22.00 <u>32.00</u>	N/A

(g) Miscellaneous-Other Tags

Duplicate Tag	\$ 5.50	\$ 6.50
Wild Bird Shooting Preserve Tag	5.50	6.50

(h) Miscellaneous-Other Permits-Points-Fees

Falconry In-State Transfer Permit	\$ 5.50	\$ N/A
Falconry Meet Permit	N/A	26.25
Rehab Permit	3.00	3.00
Educational Fishing Permit	0.00	0.00
Live Fish Importation Permit	3.00	3.00
Sport Dog and Falconry Training Permit	3.00	3.00
Wildlife Transport Permit	3.00	3.00
Scientific Collection Permit	50.00	50.00
Private Park Permit	21.75	26.25
Wildlife Import Permit	21.75	26.25
Wildlife Export Permit	11.00	13.25
Wildlife Release Permit	11.00	13.25
Captive Wildlife Permit	21.75	26.25
Fishing Tournament Permit	21.75	25.00
Dog Field Trial Permit	33.00	40.00
Live Fish Transport Permit	21.75	26.25
<u>Controlled Hunt Application Fee</u>		
<u>Moose, Sheep, Goat, Grizzly Bear</u>	<u>15.00</u>	<u>40.00</u>
Controlled Hunt Application Fee	4.50	13.00
Fee for Application for the Purchase of Controlled Hunt Bonus or Preference Points	4.50	4.50
Nursing Home Fishing Permit	33.00	N/A

SECTION 8. That Section 36-1108, Idaho Code, be, and the same is hereby amended to read as follows:

36-1108. CONTROL OF DAMAGE BY PRONGHORN ANTELOPE, ELK, DEER OR MOOSE -- COMPENSATION FOR DAMAGES. (a) Prevention of depredation shall be a priority management objective of the department, and it is the obligation of landowners to take all reasonable steps to prevent property loss from wildlife or to mitigate damages by wildlife. When any pronghorn antelope, elk, deer or moose is doing damage to or is destroying any property or is about to do so, the owner or lessee thereof may make complaint and verbally or electronically report the facts to the director or his designee who shall, within seventy-two (72) hours, investigate the conditions complained of. If it appears that the complaint is well founded and the property of the complainant is being or is likely to be damaged or destroyed by such pronghorn antelope, elk, deer or moose, the director may:

1. Send a representative onto the premises to control, trap, and/or remove such animals as will stop the damage to said property. Any animals so taken shall remain the property of the state and shall be turned over to the director. The director may provide written authorization for possession of animals so taken.

2. Grant properly safeguarded permission to the complainant to control, trap and/or remove such animals. Any animals so taken shall remain the property of the state and shall be turned over to the director. The director may provide written authorization for possession of animals so taken.

3. Make an agreement with the owner or lessee to allow continued use of lands by the animals where damage by them has occurred to stored, growing or matured crops on private property whether owned or leased. ~~This agreement may be transacted only after department attempts to resolve the problem by other means have proven unsuccessful.~~ The agreement made under the provisions of this subsection may provide for financial compensation to the owner or lessee. If made, financial compensation under the provisions of this subsection shall be governed by the provisions of section 36-115, Idaho Code, and shall not be in addition to any payments for the same crop losses from any other source. Compensation for damages under the provisions of this subsection shall be available for damages done to private lands, whether owned or leased, if the owner or lessee allowed hunters reasonable access to the property or through the property to public lands for hunting purposes during the preceding hunting season or as a measure of response to depredation. This provision shall not negate the provisions of section 36-1602, Idaho Code, relating to the necessity of obtaining permission to enter private land. If necessary, the arbitration panel provided for in subsection (b) of this section shall determine the reasonableness of access allowed.

(b) 1. In order to establish eligibility for submission of claims for damages, persons suffering crop damages on privately owned or leased land caused by pronghorn antelope, elk, deer or moose must:

(A) Notify the department within seventy-two (72) hours of discovery of damage.

(B) Follow up verbal notification with a written, which may be electronic, notice within ~~ten~~ twenty (±20) days of the discovery of damages.

(C) The department shall not be held liable or accountable for any damages occurring more than ~~ten~~ twenty (±20) days prior to the initial notification of damage. However, the department may extend the period up to thirty (30) days under exceptional circumstances.

The owner or lessee must have allowed hunters reasonable access to the property or through the property to public lands for hunting purposes during the preceding hunting season or as a measure of response to depredation, provided such access does not impact on their operations, or the claim for damages shall ~~may~~ be disallowed. Compensation for crop damages claims shall not be in addition to any payments for the same crop losses from any other source and shall not include fence or other types of property damage. While fences and irrigation equipment are not subject to claim for payment, the department is allowed to provide support and assistance, including provision of materials to design, construct, and maintain fences for control of depredation. The notice of damages caused must be in written form, shall be in the form of a claim for damages substantially the same as required by section 6-907, Idaho Code, shall be attested to by the claimant under oath, and the claim shall be at least ~~one thousand~~ seven hundred fifty dollars (\$1,000~~750~~). The claim shall not be amended after it is filed, provided however, that a claimant may file an additional claim in the event additional damage occurs subsequent to filing the initial claim. The department

shall prepare and make available suitable forms for notice and claim for damages. Claims may be submitted only for the fiscal year (July 1 through June 30) in which they occurred, with allowance for submission within the first sixty (60) days of the following fiscal year if the claim occurred within the last sixty (60) days of the previous fiscal year. Any person submitting a fraudulent claim shall be prosecuted for a felony as provided in section 18-2706, Idaho Code. For purposes of this subsection, crop damages shall mean damage to plants grown or stored for profit and exclude ornamental plants.

2. Upon receipt by the department, the department shall review the claim, and if approved, pay it as provided in section 36-115, Idaho Code, or order it paid as provided in section 36-115, Idaho Code. Failure on the part of the owner or lessee to allow on-site access for inspection and investigation of alleged losses shall void the claim for damages.

3. In the event the owner or lessee and the department fail to agree on the amount of damages within fifteen (15) business days of the written claim, either party may elect to retain the services of an independent certified insurance adjuster licensed in the state of Idaho to view the affected property and determine the amount of damages. In the event the owner or lessee and the department fail to agree on the amount of damages and neither party elects to retain the services of an independent certified insurance adjuster, provisions of subsection (b)4. of this section shall apply. The independent certified adjuster shall complete his review and determination within twenty (20) days from the date he is retained, and will report his determination in writing by certified mail to the department and to the owner or lessee. Neither the owner or lessee, nor the department, shall disturb the affected property prior to review and determination by the independent insurance adjuster. Costs associated with the services of the independent insurance adjuster shall be divided equally between the owner or lessee and the department, subject to reapportionment of the costs by an arbitration panel pursuant to the provisions of subsection (b)4. of this section. If the department, or the owner or lessee rejects the determination of the adjuster, they shall notify the other party in writing of the rejection within five (5) business days of receipt of the adjuster's determination. In the event that either party rejects the adjuster's determination, the provisions of subsection (b)4. of this section shall apply.

4. Within five (5) business days of a rejection of an adjuster's determination of damages or failure of the owner or lessee and the department to agree on damages when a certified insurance adjuster is not used, the director must convene an arbitration panel. To convene an arbitration panel, the director must, within five (5) business days, appoint the department's representative and notify the landholder of the appointment. The landholder(s) shall, within the next five (5) business days following such notice from the department, appoint his representative and notify the department of the appointment. Within the next five (5) business days, the department representative and the landholder must mutually appoint the third arbitrator. The arbitration panel shall consist of three (3) members, as follows:

- (A) The director of the department of fish and game or his designee;
- (B) The owner or his designee, or the lessee or his designee;
- (C) One (1) member selected by the two (2) members above.

The panel shall convene within thirty (30) days of the selection of the third arbitrator, and render its decision within fourteen (14) days after the hearing. When convened, the arbitration panel shall have the same authority to make on-site inspections as the department. The

owner or lessee shall be responsible for payment of the expenses of his appointee; the director shall pay the expenses of his appointee from the expendable big game depredation fund; and the expenses of the third member shall be a joint responsibility of the owner or lessee, and the department. Provided however, the panel is authorized to review the costs associated with retaining the independent insurance adjuster and to determine whether those costs should instead be borne solely by the owner or lessee, solely by the department, or be apportioned between the owner or lessee and the department. In cases where an independent insurance adjuster was used, the party electing to use the adjuster shall assume the insurance adjuster's determination of damage as their estimate of damage. The panel shall consider the claim submitted by the owner or lessee, and the estimate of damages submitted by the department, and shall select one (1) amount or the other as being the closest to the actual damages sustained by the claimant. The arbitration panel shall report its decision in writing to both the owner or lessee and to the department within ten (10) days of the decision, and the decision of the panel shall be binding on the owner or lessee and the department. The fish and game advisory committee shall develop guidelines to govern arbitration procedures in accordance with chapter 52, title 67, Idaho Code.

(c) Any claim received by the department under the provisions of subsection (b) of this section must be processed by the department within sixty (60) calendar days of receipt. If the claim is approved for payment, payment must be made within forty-five (45) calendar days of such approval. Any damage claim determination by an independent insurance adjuster pursuant to subsection (b)3. of this section, accepted by the parties, must be paid by the department within forty-five (45) calendar days of the determination. If the claim is arbitrated, the arbitration must be completed within one hundred eighty (180) calendar days of filing the claim for such damages.

SECTION 9. That Section 36-1110, Idaho Code, be, and the same is hereby amended to read as follows:

36-1110. CONTROL OF DAMAGE BY GRAZING WILDLIFE -- COMPENSATION FOR DAMAGE. (a) Prevention of depredation shall be a priority management objective of the department, and it is the obligation of landowners to take all reasonable steps to prevent property loss from grazing wildlife on private lands, whether owned or leased, or to mitigate damage by such. When any grazing wildlife is doing damage to or is destroying forage on private lands, whether owned or leased, the owner or lessee thereof may make a complaint and verbally or electronically report the facts to the director or his designee who shall, within seventy-two (72) hours, investigate the conditions complained of. The director may respond pursuant to section 36-1108(a)1. and 2., Idaho Code. If it appears that the complaint is well founded and the forage is being or is likely to be damaged or destroyed or consumed by grazing wildlife, the owner or lessee shall contract with a qualified range management consultant to prepare an estimate of depredation based on his inspection. The cost of the consultant shall be paid by the owner or lessee. After the initial complaint, it shall be the responsibility of both the department and the owner or lessee to jointly design and implement a mutually agreeable method of determining forage utilization and damage or loss due to wildlife ~~through the~~, which may include use of enclosure cages or other devices. For purposes of this subsection, "forage damage" shall mean growing or matured plants grown for livestock feed.

(b) Claims submitted under the provisions of this section shall be limited to loss of forage on private lands, whether owned or leased, and shall be submitted and processed under the provisions of section 36-1108(b),

Idaho Code, and approved claims shall be paid under the provisions of section 36-115(f), Idaho Code.

SECTION 10. LEGISLATIVE INTENT. It is the intent of the Legislature that prior to the effective date of this act, the commission shall issue an order to discount sport licenses, sport tags and sport permits to the 2016 fees for eligible persons who purchase any form of annual license for 2017 and continue to purchase any form of annual license for every year thereafter through the duration of the order. The order shall be known as the "price lock discount order" and shall be in effect for at least five years and until legislative review is complete. Further, the price lock discount order shall apply to any resident of Idaho who is absent from the state for religious purposes, not to exceed two years, or full-time educational purposes, not to exceed five years, who does not claim residency in any other state or country for any purpose, irrespective of whether such persons purchase any form of annual license during the period of allowed absence. Further, the Legislature finds it beneficial to apply the provisions of the price lock discount order to Idaho residents who are in the military service of the United States, together with their spouses and children under the age of eighteen years residing in the household, who have been officially transferred, stationed, domiciled, and on active duty in another state or country, and maintain Idaho as their official state of residence as shown on their current leave and earnings statement, irrespective of whether such persons have purchased any annual license during the period of official absence. Also, the commission shall submit a report to the Senate Resources and Environment Committee and the House of Representatives Resources and Conservation Committee reflecting the results of implementation of the provisions of the price lock discount order during each legislative session that the order is in effect.

SECTION 11. 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 12. An emergency existing therefor, which emergency is hereby declared to exist, Sections 1, 2, 3, 4, 5, 6, 8, 9 and 11 of this act shall be in full force and effect on and after May 1, 2017. Sections 7 and 10 of this act shall be in full force and effect on and after December 1, 2017.

Approved March 27, 2017

CHAPTER 196
(S.B. No. 1038, As Amended)

AN ACT

RELATING TO DENTISTS; AMENDING SECTION 54-912, IDAHO CODE, TO PROVIDE THAT THE BOARD OF DENTISTRY MAY COMMENCE EMERGENCY PROCEEDINGS AGAINST A LICENSEE UNDER CERTAIN CIRCUMSTANCES.

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

SECTION 1. That Section 54-912, Idaho Code, be, and the same is hereby amended to read as follows:

54-912. BOARD OF DENTISTRY -- POWERS AND DUTIES. The board shall have the following powers and duties:

(1) To ascertain the qualifications and fitness of applicants to practice dentistry, a dental specialty or dental hygiene; to prepare, conduct and grade qualifying examinations; to require and accept passing results of written and clinical examinations from approved dental and dental hygiene testing organizations; to issue in the name of the board a certificate of qualification to applicants found to be fit and qualified to practice dentistry or dental hygiene.

(2) To prescribe rules for a fair and wholly impartial method of licensure and examination of applicants to practice dentistry, a dental specialty or dental hygiene.

(3) To define by rule what shall constitute accepted and approved schools, colleges, institutions, universities or departments thereof for the teaching of dentistry or dental hygiene and to determine, accept and approve those that comply therewith.

(4) To promulgate other rules required by law or necessary or desirable for its enforcement and administration; to define by rule the terms unprofessional conduct or practices injurious to the public as the terms are used in section 54-924, Idaho Code, to furnish applications, certificates, licenses and other necessary forms.

(5) To inspect or cause to be inspected the offices or operating rooms of all persons licensed under this chapter.

(6) (a) Upon its own motion or upon any complaint, to initiate and conduct investigations on all matters relating to the practice of dentistry or dental hygiene and to conduct hearings or proceedings on its own or through its designated hearing officer, to revoke, suspend or otherwise condition certificates of qualification or licenses of persons practicing dentistry or dental hygiene and, on such terms as the board shall deem appropriate, to revoke, suspend, or otherwise condition such licenses, provided such hearings and proceedings shall be had in conformance with the provisions of chapter 52, title 67, Idaho Code. Final decisions of the board shall be subject to judicial review as provided in chapter 52, title 67, Idaho Code.

(b) Whenever it appears that grounds for discipline exist under this chapter and the board finds that there is an immediate danger to the public health, safety or welfare, the board is authorized to commence emergency proceedings for revocation or other action. Such proceedings shall be promptly instituted and processed, including the right to contest the emergency proceedings and appeal, under the applicable provisions of chapter 52, title 67, Idaho Code.

(7) The board, its designated hearing officer, or representative shall have power to administer oaths, the power to engage in discovery as provided in the Idaho rules of civil procedure and chapter 52, title 67, Idaho Code, including, but not limited to, the power to take depositions of witnesses

within or without the state in the manner provided by law in civil cases, and shall have power throughout the state of Idaho to require the attendance of witnesses and the production of books, records and papers as it may desire at any hearing before it of any matter which it has authority to investigate, and for that purpose the board or its designated hearing officer may issue a subpoena for any witness or a subpoena duces tecum to compel the production of any books, records or papers, directed to the sheriff of any county of the state of Idaho, where the witness resides, or may be found, which shall be served and returned in the same manner as a subpoena in a criminal case is served and returned. The fees and mileage of the witnesses shall be the same as that allowed in the district courts in criminal cases and shall be paid from the state board of dentistry fund in the same manner as other expenses of the board are paid. In any case of disobedience to, or neglect of, any subpoena or subpoena duces tecum served upon any person, or the refusal of any witness to testify to any matter regarding which he may lawfully be interrogated, it shall be the duty of the district court, or any judge thereof, of any county in this state in which the disobedience, neglect or refusal occurs, upon application by the board to compel obedience by proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from the court or for refusal to testify. The licensed person accused in the proceedings shall have the same right of subpoena upon making application to the board.

(8) The board shall establish an office and may appoint an executive director and may employ other personnel, including attorneys and hearing officers, as may be necessary to assist the board. The board shall prescribe the duties of the executive director and these duties shall include the preparation of all papers and records under law for the board, and shall include enforcement activities as to the board may from time to time appear advisable, and the executive director shall act for and on behalf of the board in such manner as the board may authorize, keep records, property and equipment of the board and discharge other duties as the board may from time to time prescribe. The compensation of the executive director or other personnel shall be determined by the board and the executive director shall be bonded to the state in the time, form and manner prescribed in chapter 8, title 59, Idaho Code.

(9) To report annually to the associations on the status of the state board of dentistry fund and furnish the associations a written report on all receipts and expenditures during the preceding year.

(10) Provide, by rule, for reasonable fees for administrative costs and assess costs reasonably and necessarily incurred in the enforcement of this chapter when a licensee has been found to be in violation of this chapter.

Approved March 28, 2017

CHAPTER 197
(S.B. No. 1074, As Amended)

AN ACT

RELATING TO PROCUREMENT BY POLITICAL SUBDIVISIONS; AMENDING SECTION 31-602, IDAHO CODE, TO PROVIDE THAT CERTAIN POWER AND AUTHORITY OF A COUNTY MAY BE DELEGATED BY THE BOARD OF COUNTY COMMISSIONERS; AMENDING SECTION 54-1903, IDAHO CODE, TO REVISE AN EXEMPTION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-1926, IDAHO CODE, TO REVISE PROVISIONS REGARDING CERTAIN CONTRACTS; AMENDING SECTION 67-2803, IDAHO CODE, TO REVISE PROVISIONS REGARDING EXCLUSIONS; AMENDING SECTION 67-2805, IDAHO CODE, TO REVISE PROVISIONS REGARDING PROCUREMENT OF PUBLIC WORKS CONSTRUCTION; AMENDING SECTION 67-2806, IDAHO CODE, TO REVISE PROVISIONS REGARDING PROCUREMENT OF SERVICES OR PERSONAL PROPERTY; AND AMENDING CHAPTER 28, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-2806A, IDAHO CODE, TO PROVIDE THAT A POLITICAL SUBDIVISION MAY UTILIZE A REQUEST FOR PROPOSAL PROCESS UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE FACTORS THAT MAY BE CONSIDERED IN A REQUEST FOR PROPOSAL PROCESS, TO PROVIDE MINIMUM REQUIREMENTS FOR A REQUEST FOR PROPOSAL AND TO PROVIDE REQUIREMENTS FOR NOTIFICATION, SOLICITATION AND CONSIDERATION OF CONTESTS IN A REQUEST FOR PROPOSAL PROCESS.

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

SECTION 1. That Section 31-602, Idaho Code, be, and the same is hereby amended to read as follows:

31-602. EXERCISE OF POWERS. Its powers can only be exercised by the board of county commissioners, or by agents and officers acting under their authority, or authority of law. The purchasing power of the county, and the authority to contract for purchases, may be delegated to another elected official or an employee of the county by the board of county commissioners.

SECTION 2. That Section 54-1903, Idaho Code, be, and the same is hereby amended to read as follows:

54-1903. EXEMPTIONS. This chapter shall not apply to:

(a1) An authorized representative of the United States government, the state of Idaho, or any incorporated town, city, county, irrigation district, reclamation district or other municipal or political corporation or subdivision of this state.

(b2) Officers of a court when they are acting within the scope of their office.

(e3) Public utilities operating under the jurisdiction of the public utilities commission of the state of Idaho on construction, maintenance and development work incidental to their own business.

(d4) The sale or installation of any finished products, materials or articles of merchandise, which are not actually fabricated into and do not become a permanent fixed part of the structure.

(e5) Any construction, alteration, improvement or repair of personal property.

(f6) Any construction, alteration, improvement or repair carried on within the limits and boundaries of any site or reservation, the title of which rests in the federal government.

(g7) Any construction or operation incidental to the construction and repair of irrigation and drainage ditches of regularly constituted irrigation districts, drainage districts or reclamation districts, except when performed by a person required to be licensed under this chapter.

(h8) Duly licensed architects, licensed engineers, and land surveyors when acting solely in their professional capacity.

(i9) Any construction, alteration, improvement or repair involving any single project involving any number of trades or crafts with an estimated cost of less than ~~ten~~ fifty thousand dollars (\$150,000), ~~or a project estimated to cost less than fifty thousand dollars (\$50,000) for which no responsive statement of interest was received from a licensed public works contractor when statements of interest were solicited as provided in section 67-2805, Idaho Code.~~

(j10) Any construction, operation, alteration or maintenance of a solid waste disposal site including those operated by, for, or at the direction of a city or a county.

(*11) Any construction, operation or repair carried on in response to an emergency that has been officially declared by the governor pursuant to the provisions of chapter 10, title 46, Idaho Code, or an emergency that has been declared by a governing body (city or county) in anticipation of a governor's declaration, for a period of time not to exceed seven (7) calendar days.

SECTION 3. That Section 54-1926, Idaho Code, be, and the same is hereby amended to read as follows:

54-1926. PERFORMANCE AND PAYMENT BONDS REQUIRED OF CONTRACTORS FOR PUBLIC BUILDINGS AND PUBLIC WORKS OF THE STATE, POLITICAL SUBDIVISIONS AND OTHER PUBLIC INSTRUMENTALITIES -- REQUIREMENTS FOR BONDS -- GOVERNMENTAL OBLIGATIONS. Before any contract equal to or greater than fifty thousand dollars (\$50,000) for the construction, alteration, or repair of any public building or public work or improvement of the state of Idaho, or of any county, city, town, municipal corporation, township, school district, public educational institution, or other political subdivision, public authority, or public instrumentality, or of any officer, board, commission, institution, or agency of the foregoing, ~~is awarded to any~~ executed, the person, he to whom such contract was awarded shall furnish to the state of Idaho, or to such county, city, town, municipal corporation, township, school district, public educational institution, or other political subdivision, public authority, or public instrumentality, or to such officer, board, commission, institution, or agency thereof, bonds ~~which that~~ shall become binding upon the award execution of the contract, to such and the person, who to whom the contract was awarded is hereinafter designated as "contractor":

(1) A performance bond in any amount to be fixed by the contracting body, but in no event less than eighty-five percent (85%) of the contract amount conditioned upon the faithful performance of the contract in accordance with the plans, specifications and conditions thereof. Said bond shall be solely for the protection of the public body ~~awarding~~ executing the contract.

(2) A payment bond in an amount to be fixed by the contracting body but in no event less than eighty-five percent (85%) of the contract amount, solely for the protection of persons supplying labor or materials, or renting, leasing, or otherwise supplying equipment to the contractor or his subcontractors in the prosecution of the work provided for in such contract.

(3) Public bodies requiring a performance bond or payment bond in excess of fifty percent (50%) of the total contract amount shall not be authorized to withhold from the contractor or subcontractor any amount exceeding five percent (5%) of the total amount payable as retainage. Further, the public body shall release to the contractor any retainage for those portions of the project accepted by the contracting public body and the contractors as complete within thirty (30) days after such acceptance. Contractors, contracting with subcontractors pursuant to contract work with a public body, shall not be authorized to withhold from the subcontractor any amount exceeding five percent (5%) of the total amount payable to the subcontractor

as retainage. The contractor shall remit the retainage to the subcontractor within thirty (30) days after completion of the subcontract.

Each bond shall be executed by a surety company or companies duly authorized to do business in this state, or the contractor may deposit any of the type of government obligations listed in subsection (2) (h) of section 54-1901, Idaho Code, in lieu of furnishing a surety company performance or payment bond or bonds. In the case of contracts of the state or a department, board, commission, institution, or agency thereof the aforesaid bonds shall be payable to the state, or particular state agency where authorized. In case of all other contracts subject to this chapter, the bonds shall be payable to the public body concerned.

Said bonds shall be filed in the office of the department, board, commission, institution, agency or other contracting body awarding the contract.

Nothing in this section shall be construed to limit the authority of the state of Idaho or other public body hereinabove mentioned to require a performance bond or other security in addition to these, or in cases other than the cases specified in this chapter.

It shall be illegal for the invitation for bids, or any person acting or purporting to act, on behalf of the contracting body to require that such bonds be furnished by a particular surety company, or through a particular agent or broker.

SECTION 4. That Section 67-2803, Idaho Code, be, and the same is hereby amended to read as follows:

67-2803. EXCLUSIONS. The procurement requirements established in this chapter shall not be applicable to:

(1) The acquisition of personal property when the procurement duplicates the price and substance of a contract for like goods or services that has been competitively bid by the state of Idaho, one (1) of its political subdivisions, or an agency of the federal government;

(2) Contracts or purchases wherein expenditures are less than ~~twenty-five~~ fifty thousand dollars (\$250,000), provided such contracts or purchases shall be guided by the best interests of the political subdivision procuring the goods and services as determined by the governing board;

(3) Disbursement of wages or compensation to any employee, official or agent of a political subdivision for the performance of personal services for the political subdivision;

(4) Procurement of personal or professional services to be performed by an independent contractor for the political subdivision;

(5) Procurement of an interest in real property;

(6) Procurement of insurance;

(7) Costs of participation in a joint powers agreement with other units of government;

(8) Procurement of used personal property by ~~irrigation districts, drainage districts and their boards of control~~;

(9) ~~Procurement from~~ Procurement from federal government general services administration (GSA) schedules or federal multiple award schedules (MAS); ~~or~~

(10) ~~The acquisition~~ Procurement of personal property or services through contracts entered into by the division of purchasing of the department of administration of the state of Idaho;

(11) Procurement of goods for direct resale;

(12) Procurement of travel and training;

(13) Procurement of goods and services from Idaho correctional industries;

(14) Procurement of repair for heavy equipment;

(15) Procurement of software maintenance, support and licenses of an existing system or platform that was bid in compliance with state law;

(16) Procurement of public utilities;
(17) Procurement of food for use in jails or detention facilities; or
(18) Procurement of used equipment at an auction if authorized by the governing board.

SECTION 5. That Section 67-2805, Idaho Code, be, and the same is hereby amended to read as follows:

67-2805. PROCUREMENT OF PUBLIC WORKS CONSTRUCTION. ~~(1) For any contemplated public works construction project with an estimated total cost of less than fifty thousand dollars (\$50,000), where the political subdivision determines that there may be a lack of available licensed contractors, a political subdivision may publish a notice of intent to procure in its official newspaper, concurrently sending such notice to the public works contractors license board, in order to solicit statements of interest from licensed public works contractors to determine whether one (1) or more licensed contractors is interested in submitting bids. Such notice of intent to procure shall be provided by the same means required for published solicitation of competitive bids and shall contain essentially the same information as such published notice. If no licensed public works contractor submits a statement of interest, the political subdivision may purchase public works construction from other than a licensed public works contractor by using the same procurement procedures otherwise specified herein.~~

~~(2) When a political subdivision contemplates an expenditure to procure public works construction valued at or in excess of twenty-five fifty thousand dollars (\$250,000) but not to exceed one two hundred thousand dollars (\$1200,000), the procurement procedures of this subsection (2) shall apply:~~

~~(a) The solicitation for bids for the public works construction to be performed shall be supplied to no fewer than three (3) owner-designated licensed public works contractors by written means, either by electronic or physical delivery. The solicitation shall describe the construction work to be completed in sufficient detail to allow an experienced public works contractor to understand the construction project the political subdivision seeks to build.~~

~~(b) The solicitation for bids shall describe the electronic or physical delivery method or methods authorized to submit a bid, the date and time by which a bid proposal must be received by the clerk, secretary or other authorized official of the political subdivision, and shall provide a reasonable time to respond to the solicitation, provided that except in the event of an emergency, such time shall not be less than three (3) business days.~~

~~(c) Written objections to specifications or bid procedures must be received by the clerk, secretary or other authorized official of the political subdivision at least one (1) business day before the date and time upon which bids are scheduled to be received.~~

~~(d) When written bids have been received, by either physical or electronic delivery, they shall be submitted to the governing board or governing board-authorized official which a designee of the governing board who shall present the lowest responsive bid to the governing board for approval or, if authorized, approve the bid. The governing board or the board's designee shall approve the responsive bid proposing the lowest procurement price or reject all bids and publish notice for bids, as before.~~

~~(e) If the political subdivision finds that it is impractical or impossible to obtain three (3) bids for the proposed public works procurement, the political subdivision may acquire the work in any manner the political subdivision deems best from a qualified public works contractor quoting the lowest price. When fewer than three (3) bids are consid-~~

ered, a description of the efforts undertaken to procure at least three (3) bids shall be documented by the political subdivision and such documentation shall be maintained for at least six (6) months after the procurement decision is made. If two (2) or more price quotations offered by different licensed public works contractors are the same and the lowest responsive bids, the governing board or governing-board authorized official may accept the one (1) it chooses.

(32) When a political subdivision contemplates an expenditure to purchase public works construction valued in excess of one two hundred thousand dollars (\$1200,000), the procurement procedures of this subsection (3) shall apply. The purchase of construction services shall be made pursuant to a competitive sealed bid process with the purchase to be made from the qualified public works contractor submitting the lowest bid price complying with bidding procedures and meeting the prequalifications, if any are provided, established by the bid documents. Competitive bidding for public works may proceed through either of two (2) alternative procedures as set forth below:

(a) Category A. Competitive bidding procedures shall be open to receipt of bids from any licensed public works contractor desiring to bid upon a public works project. For a category A bid, the political subdivision may only consider the amount bid, bidder compliance with administrative requirements of the bidding process, and whether the bidder holds the requisite license, and shall award the bid to the qualified bidder submitting the lowest responsive bid.

(i) The request for bids for a category A procurement shall set a date and place for the public opening of bids. Two (2) notices soliciting bids shall be published in the official newspaper of the political subdivision. The first notice shall be published at least two (2) weeks before the date for opening bids, with the second notice to be published in the succeeding week at least seven (7) days before the date that bids are scheduled to be opened. The notice shall succinctly describe the project to be constructed. Copies of specifications, bid forms, bidder's instructions, contract documents, and general and special instructions shall be made available upon request and payment of a reasonable plan copy fee by any interested bidder.

(ii) Written objections to specifications or bidding procedures must be received by the clerk, secretary or other authorized official of the political subdivision at least three (3) business days before the date and time upon which bids are scheduled to be opened. The administrative officer or governing board supervising the bidding process shall respond to any such objection in writing and communicate such response to the objector and all other plan holders, adjusting bidding timeframes if necessary.

(iii) All bids shall be presented or otherwise delivered under sealed cover to the clerk of the political subdivision or other authorized agent of the political subdivision designated by the information provided to bidders by the political subdivision with a concise statement marked on the outside generally identifying the expenditure project to which the bid pertains.

(iv) If the political subdivision deems it is in the political subdivision's best interest, it may require the bidder to provide bid security in an amount equal to at least five percent (5%) of the amount bid. If required, a bid shall not be considered unless one (1) of the forms of bidder's security is enclosed with it, and unless the bid is submitted in a form which substantially complies with the form provided by the political subdivision. The political subdivision may require that the bid security be in one (1) of the following forms:

(A) Cash;

(B) A cashier's check made payable to the political subdivision;

(C) A certified check made payable to the political subdivision; or

(D) A bidder's bond executed by a qualified surety company, made payable to the political subdivision.

(v) Any bid received by the political subdivision may not be withdrawn after the date and time set in the notice for opening of bids. When sealed bids have been received, they shall be opened in public at a designated place and time, thereafter to be compiled and submitted to the governing board for award or, if a designee is authorized, for approval of the award.

(vi) If the successful bidder fails to execute the contract, the amount of his bidder's security may be forfeited to the political subdivision at the sole discretion of the political subdivision and the proceeds shall be deposited in a designated fund out of which the expenses of procuring substitute performance are paid.

(vii) The political subdivision may, on the refusal or failure of the successful bidder to execute the contract, award the contract to the qualified bidder submitting the next lowest responsive bid. If the governing board awards the contract to the next lowest qualified bidder, the amount of the lowest qualified bidder's security may be applied by the political subdivision to the difference between the lowest responsive bid and the next lowest responsive bid, and the surplus, if any, shall be returned to the lowest bidder if cash or check is used, or to the surety on the bidder's bond if a bond is used, less reasonable administrative costs not to exceed twenty-five percent (25%) of the amount of the bidder's security to the owner.

(viii) In its discretion, the governing board may reject all bids presented and re-bid, or the governing board may, after finding it to be a fact, pass a resolution declaring that the project sought to be accomplished by the expenditure can be performed more economically by purchasing goods and services on the open market. If identical bids are received, the governing board may choose the bidder it prefers. If no bids are received, the governing board may procure the goods or services without further competitive bidding procedures.

(ix) If the governing board of any political subdivision chooses to award a competitively bid contract involving the procurement of public works construction to a bidder other than the apparent low bidder, the political subdivision shall declare its reason or reasons on the record and shall communicate such reason or reasons in writing to all persons who have submitted a competing bid.

(x) If any participating bidder objects to such award, such bidder shall respond in writing to the notice from the political subdivision within seven (7) calendar days of the date of transmittal of the notice, setting forth in such response the express reason or reasons that the award decision of the governing board is in error. Thereafter, staying performance of any procurement until after addressing the contentions raised by the objecting bidder, the governing board shall review its decision and determine whether to affirm its prior award, modify the award, or choose to re-bid, setting forth its reason or reasons therefor. After completion of the review process, the political subdivision may proceed as it deems to be in the public interest.

(b) Category B. Competitive bidding procedures shall be open to licensed public works contractors only after meeting preliminary supplemental qualifications established by the political subdivi-

sion. The solicitation for bids in a category B procurement shall consist of two (2) stages, an initial stage determining supplemental prequalifications for licensed contractors, either prime or specialty contractors, followed by a stage during which bid prices will be accepted only from prequalified contractors.

(i) Notice of the prequalification stage of the category B competitive bidding process shall be given in the same manner that notice of competitive bidding is provided for a category A competitive bid request, providing a specific date and time by which qualifications statements must be received. Political subdivisions may establish prequalification standards premised upon demonstrated technical competence, experience constructing similar facilities, prior experience with the political subdivision, available nonfinancial resources, equipment and personnel as they relate to the subject project, and overall performance history based upon a contractor's entire body of work. Such request must include the standards for evaluating the qualifications of prospective bidders.

(ii) During the initial stage of the category B bidding process, licensed contractors desiring to be prequalified to bid on a project must submit a written response to a political subdivision's request for qualifications.

(iii) Written objections to prequalification procedures must be received by the clerk, secretary or other authorized official of the political subdivision at least three (3) business days before the date and time upon which prequalification statements are due. The administrative officer or governing board supervising the bidding process shall respond to any such objection in writing and communicate such response to the objector and all other contractors seeking to prequalify, adjusting bidding timeframes if necessary. After a review of qualification submittals, the political subdivision may select licensed contractors that meet the prequalification standards. If any licensed contractor submits a statement of qualifications but is not selected as a qualified bidder, the political subdivision shall supply a written statement of the reason or reasons why the contractor failed to meet prequalification standards.

(iv) Any licensed contractor that fails the prequalification stage can appeal any such determination to the governing board within seven (7) days after transmittal of the prequalification results to contest the determination. If the governing board sustains the decision that a contractor fails to meet prequalification standards, it shall state its reason or reasons for the record. A governing board decision concerning prequalification may be appealed to the public works contractors license board no more than fourteen (14) days following any decision on appeal made by the governing board. The public works contractors license board shall decide any such appeal within thirty-five (35) days of the filing of a timely appeal. The public works contractors license board shall allow participation, written or oral, by the appealing contractor and the political subdivision, either by employing a hearing officer or otherwise. The public works contractors license board shall not substitute its judgment for that of the political subdivision, limiting its review to determining whether the decision of the governing board is consistent with the announced prequalification standards, whether the prequalification standards comport with the law and whether the governing board's decision is supported by the entirety of the record. The decision of the public works contractors license board shall be

written and shall state the reason or reasons for the decision. Category B prequalification procedures that are appealed shall be stayed during the pendency of the prequalification appeal until the public works contractors license board completes its review, but in no instance more than forty-nine (49) days after the appellate decision of the governing board regarding prequalification. Any licensed public works contractor affected by a decision on appeal by the public works contractors license board may, within twenty-eight (28) days of the final decision, seek judicial review as provided by chapter 52, title 67, Idaho Code.

(v) Following the conclusion of the prequalification administrative procedures, the bidding stage shall proceed by the setting of a time, date and place for the public opening of bids. In circumstances involving prequalified prime contractors, a notice soliciting bids shall be transmitted to prequalified bidders at least fourteen (14) days before the date of opening the bids. In circumstances involving prequalified specialty or subordinate contractors, the notice soliciting bids shall be published in the same manner applicable to category A bids. The notice shall succinctly describe the project to be constructed. Copies of specifications, bid forms, bidder's instructions, contract documents, and general and special instructions shall be made available upon request and payment of a reasonable plan copy fee by any eligible bidder.

(vi) Written objections to specifications or bidding procedures must be received by the clerk, secretary or other authorized official of the political subdivision at least three (3) business days before the date and time upon which bids are scheduled to be opened.

(vii) All category B bids shall be presented or otherwise delivered under sealed cover to the clerk or other authorized agent of the political subdivision designated by the instructions to bidders with a concise statement marked on the outside generally identifying the expenditure project to which the bid pertains.

(viii) If the political subdivision deems it is in the political subdivision's best interest, it may require the bidder to provide bid security in an amount equal to at least five percent (5%) of the amount bid. If required, a bid shall not be considered unless one (1) of the forms of bidder's security is enclosed with it, and unless the bid is submitted in a form which substantially complies with the form provided by the political subdivision. The political subdivision may require that the bid security be in one (1) of the following forms:

(A) Cash;

(B) A cashier's check made payable to the political subdivision;

(C) A certified check made payable to the political subdivision; or

(D) A bidder's bond executed by a qualified surety company, made payable to the political subdivision.

(ix) Any category B bid received by a political subdivision may not be withdrawn after the date and time set in the notice for opening of bids. When sealed bids have been received, they shall be opened in public by the governing board or the board's designee at a designated place and time. The governing board's designee shall thereafter to be compiled and submitted compile and submit to the governing board for award or, if authorized, approve the award. If identical bids are received, the governing board may choose the bidder it prefers. If the successful bidder fails to

execute the contract, the amount of his bidder's security may be forfeited to the political subdivision, in the sole discretion of the political subdivision, and the proceeds shall be deposited in a designated fund out of which the expenses for procuring substitute performance are paid.

(x) The political subdivision may, on the refusal or failure of the successful bidder to execute the contract, award the contract to the qualified bidder submitting the next lowest responsive bid. If the governing board awards the contract to the next lowest qualified bidder, the amount of the lowest qualified bidder's security, if forfeited, shall be applied by the political subdivision to the difference between the lowest responsive bid and the next lowest responsive bid, and the surplus, if any, shall be returned to the lowest bidder if cash or check is used, or to the surety on the bidder's bond if a bond is used, less reasonable administrative costs not to exceed twenty-five percent (25%) of the amount of the bidder's security.

(xi) In its discretion, the governing board may reject all bids presented and re-bid, or the governing board may, after finding it to be a fact, pass a resolution declaring that the project sought to be accomplished by the expenditure can be performed more economically by purchasing goods and services on the open market. If no bids are received, the governing board may make the expenditure without further competitive bidding procedures.

(xii) If the governing board of any political subdivision chooses to award a competitively bid contract involving the procurement of public works construction to a bidder other than the apparent low bidder, the political subdivision shall declare its reason or reasons on the record and shall communicate such reason or reasons in writing to all persons who have submitted a competing bid.

(xiii) If any participating bidder objects to such award, such bidder shall respond in writing to the notice from the political subdivision within seven (7) calendar days of the date of transmittal of the notice, setting forth in such response the express reason or reasons that the award decision of the governing board is in error. Thereafter, staying performance of any procurement until after addressing the contentions raised by the objecting bidder, the governing board shall review its decision and determine whether to affirm its prior award, modify the award, or choose to re-bid, setting forth its reason or reasons therefor. After completion of the review process, the political subdivision may proceed as it deems to be in the public interest.

SECTION 6. That Section 67-2806, Idaho Code, be, and the same is hereby amended to read as follows:

67-2806. PROCURING SERVICES OR PERSONAL PROPERTY. (1) When a political subdivision contemplates an expenditure to purchase or lease personal property or to procure services, other than those personal property or services excluded pursuant to section 67-2803, Idaho Code, valued at or in excess of ~~twenty-five~~ fifty thousand dollars (\$250,000) but not to exceed ~~fifty one hundred~~ fifty one hundred thousand dollars (\$5100,000), the procurement procedures of this subsection ~~(1)~~ shall apply.

(a) The solicitation for bids shall be supplied to no fewer than three (3) vendors by written means, either by electronic or physical delivery. The solicitation shall describe the personal property or services to be purchased or leased in sufficient detail to allow a vendor dealing in such goods or services to understand what the political subdivision seeks to procure.

(b) The solicitation for bids shall describe the electronic or physical delivery method or methods authorized to submit a bid, the date and time by which a bid proposal must be received by the clerk, secretary or other authorized official of the political subdivision, and shall provide a reasonable time to respond to the solicitation, provided that except in the event of an emergency, such time shall not be less than three (3) business days.

(c) Written objections to specifications or bid procedures must be received by the clerk, secretary or other authorized official of the political subdivision at least one (1) business day before the date and time upon which bids are scheduled to be received.

(d) When written bids have been received, by either physical or electronic delivery, they shall be compiled and submitted to the governing board or governing board-authorized official which shall approve the responsive bid proposing the lowest procurement price or reject all bids and publish notice for bids, as before.

(e) If the political subdivision finds that it is impractical or impossible to obtain three (3) bids for the proposed procurement, the political subdivision may acquire the property in any manner the political subdivision deems best from a qualified vendor quoting the lowest price. When fewer than three (3) bids are considered, a description of the efforts undertaken to procure at least three (3) bids shall be documented by the political subdivision and such documentation shall be maintained for at least six (6) months after any such procurement is made. If two (2) or more price quotations bids are the same and the lowest responsive bids, the authorized decision maker may accept the one (1) it chooses.

(2) When a political subdivision contemplates an expenditure to purchase or lease personal property or to procure services, other than these personal property or services excluded pursuant to section 67-2803, Idaho Code, valued in excess of fifty one hundred thousand dollars (\$5100,000), the procurement procedures of this subsection ~~(2)~~ shall apply.

(a) The purchase or lease shall be made pursuant to an open competitive sealed bid process with the procurement to be made from the qualified bidder submitting the lowest bid price complying with bidding procedures and meeting the specifications for the goods and/or services sought to be procured.

(b) The request for bids shall set a date, time and place for the opening of bids. Two (2) notices soliciting bids shall be published in the official newspaper of the political subdivision. The first notice shall be published at least two (2) weeks before the date for opening bids, with the second notice to be published in the succeeding week at least seven (7) days before the date that bids are scheduled to be opened. The notice shall succinctly describe the personal property and/or service to be procured. Copies of specifications, bid forms, bidder's instructions, contract documents, and general and special instructions shall be made available upon request by any interested bidder.

(c) Written objections to specifications or bidding procedures must be received by the clerk, secretary or other authorized official of the political subdivision at least three (3) business days before the date and time upon which bids are scheduled to be opened.

(d) If the political subdivision deems it is in the political subdivision's best interest, it may require the bidder to provide bid security in an amount equal to at least five percent (5%) of the amount bid. If required, a bid shall not be considered unless one (1) of the forms of bidder's security is enclosed with it, and unless the bid is submitted in a form which substantially complies with the form provided by the political subdivision. The political subdivision may require that the bid security be in one (1) of the following forms:

- (i) Cash;
- (ii) A cashier's check made payable to the political subdivision;
- (iii) A certified check made payable to the political subdivision;
- or
- (iv) A bidder's bond executed by a qualified surety company, made payable to the political subdivision.

(e) Any bid received by the political subdivision may not be withdrawn after the time set in the notice for opening of bids. When sealed bids have been received, they shall be opened in public at a designated place and time, thereafter to be compiled and submitted to the governing board for award or, if a designee is authorized, for approval of the award.

(f) If the successful bidder fails to execute the contract, the amount of his bidder's security may be forfeited to the political subdivision at the sole discretion of the governing board and thereafter the proceeds may be deposited in a designated fund out of which the reasonable expenses for procuring substitute performance are paid.

(g) The political subdivision may, on the refusal or failure of the successful bidder to execute the contract, award the contract to the next lowest qualified bidder. If the governing board awards the contract to the next lowest qualified bidder, the amount of the lowest qualified bidder's security may be applied by the political subdivision to the difference between the lowest responsive bid and the next lowest responsive bid, and the surplus, if any, shall be returned to the lowest bidder if cash or check is used, or to the surety on the bidder's bond if a bond is used, less reasonable administrative costs not to exceed twenty-five percent (25%) of the amount of the bidder's security.

(h) In its discretion, the governing board or its designee may reject all bids presented and re-bid, ~~or the governing board may~~, after finding it to be a fact, the governing board may pass a resolution declaring that the subject goods or services can be procured more economically on the open market. If two (2) or more bids are the same and the lowest responsive bids, the governing board or its designee may accept the one (1) it chooses. In its discretion, the governing board of a political subdivision may preauthorize the purchase of equipment at a public auction.

(i) If the governing board of any political subdivision chooses to award a competitively bid contract involving the procurement of personal property or services to a bidder other than the apparent low bidder, the political subdivision shall declare its reason or reasons on the record and shall communicate such reason or reasons in writing to all who have submitted a competing bid.

(j) If any participating bidder objects to such award, such bidder shall respond in writing to the notice from the political subdivision within seven (7) calendar days of the date of transmittal of the notice, setting forth in such response the express reason or reasons that the award decision of the governing board is in error. Thereafter, staying performance of any procurement until after addressing the contentions raised by the objecting bidder, the governing board shall review its decision and determine whether to affirm its prior award, modify the award, or choose to re-bid, setting forth its reason or reasons therefor. After completion of the review process, the political subdivision may proceed as it deems to be in the public interest.

SECTION 7. 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 67-2806A, Idaho Code, and to read as follows:

67-2806A. REQUEST FOR PROPOSAL. (1) A political subdivision may utilize a request for proposal process as set forth in this section as an alternative to the competitive bidding process required by section 67-2806, Idaho Code, when the political subdivision contemplates a procurement for goods or services for which:

(a) Fixed specifications might preclude the discovery of a cost-effective solution;

(b) A specific problem is amenable to several solutions; or

(c) Price is not the sole determining factor for selection.

(2) Factors that may be considered in the evaluation of vendors in a request for proposal process include, but are not limited to:

(a) An innovative solution that is offered;

(b) Unique product features;

(c) Price;

(d) Vendor experience in the market;

(e) Financial stability of a vendor;

(f) Differences among vendors in their ability to perform contract requirements in a timely or efficient manner;

(g) Ability to meet product specifications;

(h) Product quality;

(i) Product performance records;

(j) Past performance by a vendor;

(k) Future product maintenance or service requirements; and

(l) Product warranties.

(3) At a minimum, a request for proposal shall state the instructions of the process, the scope of work for the goods or services contemplated, the selection criteria, contract terms and the scoring methodology applying relative weights to factors considered.

(4) Notification, solicitation and consideration of contests concerning the award of procurement pursuant to a request for proposal shall be in accordance with the minimum requirements established in section 67-2806, Idaho Code, subject to the selection criteria established at the outset of each such procurement. Records compiled in the scoring process shall be made available for public inspection when a procurement recommendation is made to the governing board.

Approved March 28, 2017

CHAPTER 198
(S.B. No. 1079)

AN ACT

RELATING TO THE LIMITED LINES TRAVEL INSURANCE ACT; AMENDING SECTION 41-1003, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING CHAPTER 10, TITLE 41, IDAHO CODE, BY THE ADDITION OF NEW SECTIONS 41-1090 THROUGH 41-1097, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO PROVIDE REQUIREMENTS FOR LIMITED LINES TRAVEL INSURANCE PRODUCERS, TO REQUIRE REGISTRATION, TO PROVIDE FOR TYPES OF POLICIES, TO PROVIDE FOR RESPONSIBILITIES OF LIMITED LINES TRAVEL INSURANCE PRODUCERS, TO PROHIBIT A NEGATIVE OPTION OR OPTION TO OPT OUT IN CERTAIN INSTANCES AND TO PROVIDE FOR ENFORCEMENT.

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

SECTION 1. That Section 41-1003, Idaho Code, be, and the same is hereby amended to read as follows:

41-1003. DEFINITIONS. (1) "Business entity" means a corporation, association, partnership, limited liability company, limited liability partnership or other legal entity.

(2) "Home state" means the District of Columbia and any state or territory of the United States or any province of Canada in which an insurance producer maintains his or her principal place of residence or principal place of business and is licensed to act as an insurance producer.

(3) "License" means a document issued by the director authorizing a person to act as an insurance producer for the lines of authority specified in the document. The license itself does not create any authority, actual, apparent or inherent, in the holder to represent or commit an insurance carrier.

(4) "Limited lines insurance" is insurance which restricts the authority of the license to less than the total authority prescribed in the associated major lines pursuant to section 41-1008(1)(a) through (g), Idaho Code, and shall include, but not be limited to: credit life, credit disability, credit property, credit unemployment, involuntary unemployment, mortgage life, mortgage guaranty, mortgage disability, guaranteed automobile protection (GAP) insurance, transportation baggage insurance, transportation ticket policies covering personal accident insurance, pet insurance, portable electronics insurance, travel insurance or any other line of insurance that the director deems necessary to recognize for the purposes of complying with section 41-1009(5), Idaho Code.

(5) "Limited lines producer" means a producer authorized by the director to sell, solicit or negotiate limited lines insurance. "Limited lines producer" includes a "limited lines travel insurance producer" as used in sections 41-1090 through 41-1096, Idaho Code.

(6) "Negotiate" means the act of conferring directly with or offering advice directly to a purchaser or prospective purchaser of a particular contract of insurance concerning any of the substantive benefits, terms or conditions of the contract, provided that the person engaged in the act either sells insurance or obtains insurance from insurers for purchasers.

(7) "Person" means an individual or a business entity.

(8) "Producer" means a person required to be licensed under the laws of this state to sell, solicit or negotiate insurance.

(9) "Resident" means a person whose home state is Idaho or any other particular state identified in conjunction with the use of the term.

(10) "Sell" means to exchange a contract of insurance by any means, for money or its equivalent, on behalf of an insurance company.

(11) "Solicit" means attempting to sell insurance or asking or urging a person to apply for a particular kind of insurance from a particular company or companies.

(12) "Terminate" means the cancellation of the relationship between an insurance producer and the insurer or the termination of a producer's authority to transact insurance for or on behalf of an insurer.

(13) "Uniform application" means the current version of the national association of insurance commissioners (NAIC) uniform application for resident and nonresident producer licensing.

(14) "Uniform business entity application" means the current version of the NAIC uniform business entity application for resident and nonresident business entities.

SECTION 2. That Chapter 10, 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 41-1090, Idaho Code, and to read as follows:

41-1090. SHORT TITLE. Sections 41-1090 through 41-1096, Idaho Code, shall be known and may be cited as the "Limited Lines Travel Insurance Act."

SECTION 3. That Chapter 10, 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 41-1091, Idaho Code, and to read as follows:

41-1091. DEFINITIONS. As used in this chapter:

(1) "Designated responsible producer" means the individual licensed producer responsible for ensuring compliance by the limited lines travel insurance producer with travel insurance laws and rules of the state, as set forth in section 41-1092(2)(c), Idaho Code.

(2) "Limited lines travel insurance producer" means a person who is a limited lines producer as defined in section 41-1003, Idaho Code.

(3) "Offer and disseminate" means providing general information, including a description of the coverage and price, as well as processing the application, collecting premiums and performing other activities permitted by the state.

(4) "Travel insurance" means insurance coverage for personal risks incident to planned travel including, but not limited to:

- (a) Interruption or cancellation of a trip or event;
- (b) Loss of baggage or personal effects;
- (c) Damages to accommodations or rental vehicles; and
- (d) Sickness, accident, disability or death occurring during travel.

"Travel insurance" does not include major medical plans that provide comprehensive medical protection for travelers with trips lasting six (6) months or longer, including those working overseas as an expatriate or military personnel being deployed.

(5) "Travel retailer" means a business entity that makes, arranges or offers travel services and may offer and disseminate travel insurance as a service to its customers on behalf of and under the direction of a limited lines travel insurance producer.

SECTION 4. That Chapter 10, 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 41-1092, Idaho Code, and to read as follows:

41-1092. REQUIREMENTS FOR LIMITED LINES TRAVEL INSURANCE PRODUCERS. Notwithstanding any other provision of law:

(1) The director may issue to an individual or business entity that has filed with the director an application, in a form and manner prescribed by the director, a limited lines travel insurance producer license that autho-

rizes the limited lines travel insurance producer to sell, solicit or negotiate travel insurance on behalf of a licensed insurer.

(2) A travel retailer may offer and disseminate travel insurance under a limited lines travel insurance producer's business entity license only if the following conditions are met:

(a) The limited lines travel insurance producer provides to policyholders of travel insurance:

- (i) A description of the material terms or the actual material terms of the insurance coverage;
- (ii) A description of the process for filing a claim;
- (iii) A description of the review or cancellation process for the travel insurance policy, including any forfeiture fees; and
- (iv) The identity and contact information of the insurer and limited lines travel insurance producer.

(b) At the time of licensure, the limited lines travel insurance producer shall establish and maintain a register on a form prescribed by the director of each travel retailer that offers travel insurance on the limited lines travel insurance producer's behalf. The register shall be maintained and updated annually, at a minimum, by the limited lines travel insurance producer and shall include the name, address, and contact information of the travel retailer and an officer or person who directs or controls the travel retailer's operations, as well as the travel retailer's federal tax identification number. The limited lines travel insurance producer shall submit such register from the previous year to the department on March 1 of each year. The limited lines travel insurance producer shall also certify that the registered travel retailer complies with 18 U.S.C. 1033. The limited lines travel insurance producer shall report its Idaho annual written premium to the director on an annual basis.

(c) The limited lines travel insurance producer has designated one (1) of its employees, who is a licensed individual producer, as a designated responsible producer who shall be responsible for the limited lines travel insurance producer's compliance with the travel insurance laws, rules and regulations of the state.

(d) The designated responsible producer, president, secretary, treasurer and any other officer or person who directs or controls the limited lines travel insurance producer's insurance operations shall comply with the fingerprinting requirements applicable to insurance producers in the resident state of the limited lines travel insurance producer.

(e) The limited lines travel insurance producer has paid all applicable insurance producer licensing fees as set forth in applicable state law.

(f) The limited lines travel insurance producer requires each employee and authorized representative of the travel retailer whose duties include offering and disseminating travel insurance to receive a program of instruction or training that shall be subject to review by the director. The training material shall, at a minimum, contain instructions on the types of insurance offered, ethical sales practices and required disclosures to prospective customers.

(3) Any travel retailer offering or disseminating travel insurance shall make available to prospective purchasers brochures or other written materials that:

- (a) Provide the identity and contact information of the insurer and the limited lines travel insurance producer;
- (b) Explain that the purchase of travel insurance is not required in order to purchase any other product or service from the travel retailer; and
- (c) Explain that an unlicensed travel retailer is permitted to provide general information about the insurance offered by the travel retailer,

including a description of the coverage and price, but is not qualified or authorized to answer technical questions about the terms and conditions of the insurance offered by the travel retailer or to evaluate the adequacy of the customer's existing insurance coverage.

(4) A travel retailer's employees or authorized representatives who are not licensed as insurance producers may not:

- (a) Evaluate or interpret the technical terms, benefits and conditions of the offered travel insurance coverage;
- (b) Evaluate or provide advice concerning a prospective purchaser's existing insurance coverage; or
- (c) Hold himself or itself out as a licensed insurer, licensed producer or insurance expert.

SECTION 5. That Chapter 10, 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 41-1093, Idaho Code, and to read as follows:

41-1093. REGISTRATION REQUIRED. A travel retailer, whose insurance-related activities and those of its employees and authorized representatives are limited to offering and disseminating travel insurance, on behalf of and under the direction of a limited lines travel insurance producer meeting the conditions stated in this chapter, is authorized to do so and receive related compensation upon registration by the limited lines travel insurance producer as described in section 41-1092(2)(b), Idaho Code.

SECTION 6. That Chapter 10, 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 41-1094, Idaho Code, and to read as follows:

41-1094. TYPE OF POLICY. Travel insurance may be provided under an individual policy or under a group or master policy.

SECTION 7. That Chapter 10, 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 41-1095, Idaho Code, and to read as follows:

41-1095. RESPONSIBILITY OF LIMITED LINES TRAVEL INSURANCE PRODUCERS. As the insurer designee, the limited lines travel insurance producer is responsible for the acts of the travel retailer and shall use reasonable means to ensure compliance by the travel retailer with this chapter.

SECTION 8. That Chapter 10, 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 41-1096, Idaho Code, and to read as follows:

41-1096. NO NEGATIVE OPTION OR OPT OUT. No person offering travel insurance on an individual or group basis may do so using a negative option or option to opt out, that would require a consumer to take an affirmative action to deselect coverage such as unchecking a box on an electronic form when purchasing a trip. It shall not be an unfair trade practice to include blanket travel insurance coverage with the purchase of a trip, provided the coverage is not marketed as free.

SECTION 9. That Chapter 10, 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 41-1097, Idaho Code, and to read as follows:

41-1097. ENFORCEMENT. The limited lines travel insurance producer and any travel retailer offering and disseminating travel insurance under the limited lines travel insurance producer license shall be subject to the provisions of section 41-1016, Idaho Code, and other applicable provisions of this title. Violations of this act shall be considered an unfair trade practice under chapter 13, title 41, Idaho Code.

Approved March 28, 2017

CHAPTER 199
(S.B. No. 1118)

AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-106, IDAHO CODE, TO PROVIDE THAT INDIVIDUALS OR LANDOWNERS THAT HAVE BEEN ISSUED A KILL PERMIT BY THE DIRECTOR OF THE DEPARTMENT OF FISH AND GAME OR HIS DESIGNEE, IN CONJUNCTION WITH THEIR RESPONSIBILITY FOR FIELD DRESSING THE ANIMALS TAKEN, MAY KEEP ONE ANIMAL FOR THEIR PERSONAL USE AND TO PROVIDE THAT UNDER CERTAIN CONDITIONS A SECOND ANIMAL SUBSEQUENTLY TAKEN MAY BE KEPT BY THE INDIVIDUAL OR LANDOWNER.

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

SECTION 1. That Section 36-106, Idaho Code, be, and the same is hereby amended to read as follows:

36-106. DIRECTOR OF DEPARTMENT OF FISH AND GAME. (a) Office of Director Created. The commission shall appoint a director of the department of fish and game, hereinafter referred to as the director, who shall be a person with knowledge of, and experience in, the requirements for the protection, conservation, restoration, and management of the wildlife resources of the state. The director shall not hold any other public office, nor any office in any political party organization, and shall devote his entire time to the service of the state in the discharge of his official duties, under the direction of the commission.

(b) Secretary to Commission. The director or his designee shall serve as secretary to the commission.

(c) Compensation and Expenses. The director shall receive such compensation as the commission, with the concurrence and approval of the governor, may determine and shall be reimbursed at the rate provided by law for state employees for all actual and necessary traveling and other expenses incurred by him in the discharge of his official duties.

(d) Oath and Bond. Before entering upon the duties of his office, the director shall take and subscribe to the official oath of office, as provided by section 59-401, Idaho Code, and shall, in addition thereto, swear and affirm that he holds no other public office, nor any position under any political committee or party. Such oath, or affirmation, shall be signed in the office of the secretary of state.

The director shall be bonded to the state of Idaho in the time, form and manner prescribed by chapter 8, title 59, Idaho Code.

(e) Duties and Powers of Director.

1. The director shall have general supervision and control of all activities, functions, and employees of the department of fish and game, under the supervision and direction of the commission, and shall

enforce all the provisions of the laws of the state, and rules and proclamations of the commission relating to wild animals, birds, and fish and, further, shall perform all the duties prescribed by section 67-2405, Idaho Code, and other laws of the state not inconsistent with this act, and shall exercise all necessary powers incident thereto not specifically conferred on the commission.

2. The director is hereby authorized to appoint as many classified employees as the commission may deem necessary to perform administrative duties, to enforce the laws and to properly implement management, propagation, and protection programs established for carrying out the purposes of the Idaho fish and game code.

3. The appointment of such employees shall be made by the director in accordance with chapter 53, title 67, Idaho Code, and rules promulgated pursuant thereto, and they shall be compensated as provided therein. Said employees shall be bonded to the state of Idaho in the time, form, and manner prescribed by chapter 8, title 59, Idaho Code.

4. The director is hereby authorized to establish and maintain fish hatcheries for the purpose of hatching, propagating, and distributing all kinds of fish.

5. (A) The director, or any person appointed by him in writing to do so, may take wildlife of any kind, dead or alive, or import the same, subject to such conditions, restrictions and rules as he may provide, for the purpose of inspection, cultivation, propagation, distribution, scientific or other purposes deemed by him to be of interest to the fish and game resources of the state.

(B) The director shall have supervision over all of the matters pertaining to the inspection, cultivation, propagation and distribution of the wildlife propagated under the provisions of title 36, Idaho Code. He shall also have the power and authority to obtain, by purchase or otherwise, wildlife of any kind or variety which he may deem most suitable for distribution in the state and may have the same properly cared for and distributed throughout the state of Idaho as he may deem necessary.

(C) The director is hereby authorized to issue a license/tag/permit to a nonresident landowner who resides in a contiguous state for the purpose of taking one (1) animal during an emergency depredation hunt which includes the landowner's Idaho property subject to such conditions, restrictions or rules as the director may provide. The fee for this license/tag/permit shall be equal to the costs of a resident hunting license, a resident tag fee and a resident depredation permit.

(D) Unless relocation is required pursuant to subparagraph (E) herein, notwithstanding the provisions of section 36-408, Idaho Code, to the contrary, the director shall not expend any funds, or take any action, or authorize any employee or agent of the department or other person to take any action, to undertake actual transplants of bighorn sheep into areas they do not now inhabit for the purpose of augmenting existing populations until:

(i) The boards of county commissioners of the counties in which the release is proposed to take place have been given reasonable notice of the proposed release.

(ii) The affected federal and state land grazing permittees and owners or leaseholders of private land in or contiguous to the proposed release site have been given reasonable notice of the proposed release.

(iii) The president pro tempore of the senate and the speaker of the house of representatives have received from the director a plan for the forthcoming year that details, to the best of the department's ability, the proposed transplants

which shall include the estimated numbers of bighorn sheep to be transplanted and a description of the areas the proposed transplant or transplants are planned for.

Upon request, the department shall grant one (1) hearing per transplant or relocation if any affected individual or entity expresses written concern within ten (10) days of notification regarding any transplants or relocations of bighorn sheep and shall take into consideration these concerns in approving, modifying or canceling any proposed bighorn sheep transplant or relocation. Any such hearing shall be held within thirty (30) days of the request. It is the policy of the state of Idaho that existing sheep or livestock operations in the area of any bighorn sheep transplant or relocation are recognized and that the potential risk, if any, of disease transmission and loss of bighorn sheep when the same invade domestic livestock or sheep operations is accepted. Prior to any transplant or relocation of bighorn sheep into areas they do not now inhabit or a transplant or relocation for the purpose of augmenting existing populations, the department shall provide for any affected federal or state land grazing permittees or owners or leaseholders of private land a written agreement signed by all federal, state and private entities responsible for the transplant or relocation stating that the existing sheep or livestock operations in the area of any such bighorn sheep transplant or relocation are recognized and that the potential risk, if any, of disease transmission and loss of bighorn sheep when the same invade domestic livestock or sheep operations is accepted.

(E) The Idaho department of fish and game: (1) shall develop a state management plan to maintain a viable, self-sustaining population of bighorn sheep in Idaho which shall consider as part of the plan the current federal or state domestic sheep grazing allotment(s) that currently have any bighorn sheep upon or in proximity to the allotment(s); (2) within ninety (90) days of the effective date of this act will cooperatively develop best management practices with the permittee(s) on the allotment(s). Upon commencement of the implementation of best management practices, the director shall certify that the risk of disease transmission, if any, between bighorn and domestic sheep is acceptable for the viability of the bighorn sheep. The director's certification shall continue for as long as the best management practices are implemented. The director may also certify that the risk of disease transmission, if any, between bighorn and domestic sheep is acceptable for the viability of the bighorn sheep based upon a finding that other factors exist, including but not limited to previous exposure to pathogens that make separation between bighorn and domestic sheep unnecessary.

6. (A) The director shall have the power, at any time when it is desired to introduce any new species, or if at any time any species of wildlife of the state of Idaho shall be threatened with excessive shooting, trapping, or angling or otherwise, to close any open season or to reduce the bag limit or possession limit for such species for such time as he may designate; in the event an emergency is declared to exist such closure shall become effective forthwith upon written order of the director; in all other cases upon publication and posting as provided in section 36-105, Idaho Code.

(B) (i) In order to protect property from damage by wildlife, including bear and turkey, the fish and game commission may delegate to the director or his designee the authority to declare an open season upon that particular species of wildlife to reduce its pop-

ulation. The director or his designee shall make an order embodying his findings in respect to when, under what circumstances, in which localities, by what means, and in what amounts, numbers and sex the wildlife subject to the hunt may be taken. In the event an emergency is declared to exist such open season shall become effective forthwith upon written order of the director or his designee; in all other cases upon publication and posting as provided in section 36-105, Idaho Code.

(ii) In the event a kill permit is issued by the director or his designee, the individual or landowner with the kill permit, in conjunction with their responsibility for field dressing the animals taken, may keep one (1) animal for their personal use. In the event the director or his designee issues a subsequent kill permit for the same individual or landowner due to continued depredation, the director or his designee may authorize the individual or landowner to keep a second subsequently taken animal for their personal use.

(C) Any season closure order issued under authority hereof shall be published in at least one (1) newspaper of general circulation in the area affected by the order for at least once a week for two (2) consecutive weeks, and such order shall be posted in public places in each county as the director may direct.

(D) During the closure of any open season or the opening of any special depredation season by the director all provisions of laws relating to the closed season or the special depredation season on such wildlife shall be in force and whoever violates any of the provisions shall be subject to the penalties prescribed therefor.

(E) Prior to the opening of any special depredation hunt, the director or his designee shall be authorized to provide up to a maximum of fifty percent (50%) of the available permits for such big game to the landholder(s) of privately owned land within the hunt area or his designees. If the landholder(s) chooses to designate hunters, he must provide a written list of the names of designated individuals to the department. If the landholder(s) fails to designate licensed hunters, then the department will issue the total available permits in the manner set by rule. All hunters must have a current hunting license and shall have equal access to both public and private lands within the hunt boundaries. It shall be unlawful for any landholder(s) to receive any form of compensation from a person who obtains or uses a depredation controlled hunt permit.

7. The director shall make an annual report to the governor, the legislature, and the secretary of state, of the doings and conditions of his office, which report shall be made in accordance with section 67-2509, Idaho Code.

8. The director may sell or cause to be sold publications and materials in accordance with section 59-1012, Idaho Code.

9. Any deer, elk, antelope, moose, bighorn sheep or bison imported or transported by the department of fish and game shall be tested for the presence of certain communicable diseases that can be transmitted to domestic livestock. Those communicable diseases to be tested for shall be arrived at by mutual agreement between the department of fish and game and the department of agriculture. Any moneys expended by the department of fish and game on wildlife disease research shall be mutually agreed upon by the department of fish and game and the department of agriculture.

In addition, a comprehensive animal health program for all deer, elk, antelope, moose, bighorn sheep, or bison imported into, transported, or resident within the state of Idaho shall be implemented after said pro-

gram is mutually agreed upon by the department of fish and game and the department of agriculture.

10. In order to monitor and evaluate the disease status of wildlife and to protect Idaho's livestock resources, any suspicion by fish and game personnel of a potential communicable disease process in wildlife shall be reported within twenty-four (24) hours to the department of agriculture. All samples collected for disease monitoring or disease evaluation of wildlife shall be submitted to the division of animal industries, department of agriculture.

11. (A) The director is authorized to enter into an agreement with an independent contractor for the purpose of providing a telephone order and credit card payment service for controlled hunt permits, licenses, tags, and permits.

(B) The contractor may collect a fee for its service in an amount to be set by contract.

(C) All moneys collected for the telephone orders of such licenses, tags, and permits shall be and remain the property of the state, and such moneys shall be directly deposited by the contractor into the state treasurer's account in accordance with the provisions of section 59-1014, Idaho Code. The contractor shall furnish a good and sufficient surety bond to the state of Idaho in an amount sufficient to cover the amount of the telephone orders and potential refunds.

(D) The refund of moneys for unsuccessful controlled hunt permit applications and licenses, tags, and permits approved by the department may be made by the contractor crediting the applicant's or licensee's credit card account.

12. The director may define activities or facilities that primarily provide a benefit: to the department; to a person; for personal use; to a commercial enterprise; or for a commercial purpose.

Approved March 28, 2017

CHAPTER 200

(S.B. No. 1126, As Amended)

AN ACT

RELATING TO SAFE HAVENS; AMENDING SECTION 39-8202, IDAHO CODE, TO REVISE THE DEFINITION OF "SAFE HAVEN" AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 39-8202, Idaho Code, be, and the same is hereby amended to read as follows:

39-8202. DEFINITIONS. As used in this chapter, the following terms shall mean:

(1) "Custodial parent," for the purposes of this chapter, means, in the absence of a court decree, the parent with whom the child resides.

(2) "Safe haven" means:

(a) Hospitals licensed in the state of Idaho;

(b) Licensed physicians in the state of Idaho and staff working at their offices and clinics;

(c) Advanced practice professional nurses, including certified nurse-midwives, clinical nurse specialists, nurse practitioners and certified registered nurse anesthetists licensed or registered pursuant to chapter 14, title 54, Idaho Code;

(d) Physician assistants licensed pursuant to chapter 18, title 54, Idaho Code;

(e) ~~Medical personnel when making an emergency response to a "911" call from a custodial parent, for the purpose of taking temporary physical custody of a child pursuant to the provisions of this act~~ acting or serving in the capacity as a licensed provider, affiliated with a recognized Idaho EMS agency. For purposes of this act, "medical personnel" shall include those individuals certified by the department of health and welfare as:

- (i) First responders;
- (ii) Emergency medical technicians - basic;
- (iii) Advanced emergency medical technicians - ambulance;
- (iv) Emergency medical technicians - intermediate; and
- (v) Emergency medical technicians - paramedic.

(f) A fire station operated by a city, a county, a tribal entity, a fire protection district or a volunteer fire department if there are personnel on duty.

Approved March 28, 2017

CHAPTER 201
(S.B. No. 1153)

AN ACT

APPROPRIATING MONEYS TO THE CATASTROPHIC HEALTH CARE PROGRAM AND DIRECTING A TRANSFER FOR FISCAL YEAR 2018; APPROPRIATING AND TRANSFERRING MONEYS FROM THE CATASTROPHIC HEALTH CARE COST FUND TO THE GENERAL FUND FOR FISCAL YEAR 2017; AND DECLARING AN EMERGENCY

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

SECTION 1. There is hereby appropriated to the Catastrophic Health Care Program \$17,999,500 from the General Fund to be transferred to the Catastrophic Health Care Cost Fund for the period July 1, 2017, through June 30, 2018.

SECTION 2. There is hereby appropriated and the State Controller shall transfer \$4,945,100 from the Catastrophic Health Care Cost Fund to the General Fund as soon as practicable, for the period July 1, 2016, through June 30, 2017.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, the provisions of Section 2 of this act shall be in full force and effect on and after passage and approval.

Approved March 28, 2017

CHAPTER 202
(S.B. No. 1156)

AN ACT

APPROPRIATING MONEYS TO THE DIVISION OF VOCATIONAL REHABILITATION FOR FISCAL YEAR 2018; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. 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, 2017, through June 30, 2018:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. EXTENDED EMPLOYMENT SERVICES:					
FROM:					
General					
Fund	\$427,100	\$23,700		\$3,972,600	\$4,423,400
II. VOCATIONAL REHABILITATION:					
FROM:					
General					
Fund	\$1,870,900	\$260,400	\$32,900	\$1,784,500	\$3,948,700
Rehabilitation Revenue and Refunds					
Fund				1,081,500	1,081,500
Miscellaneous Revenue					
Fund	70,000	1,700		894,500	966,200
Federal Grant					
Fund	<u>8,259,700</u>	<u>1,417,700</u>	<u>129,100</u>	<u>7,729,700</u>	<u>17,536,200</u>
TOTAL	\$10,200,600	\$1,679,800	\$162,000	\$11,490,200	\$23,532,600
III. COUNCIL FOR THE DEAF AND HARD OF HEARING:					
FROM:					
General					
Fund	\$179,200	\$37,700			\$216,900
Miscellaneous Revenue					
Fund	<u>0</u>	<u>3,000</u>			<u>3,000</u>
TOTAL	\$179,200	\$40,700			\$219,900
GRAND TOTAL	\$10,806,900	\$1,744,200	\$162,000	\$15,462,800	\$28,175,900

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Division of Vocational Rehabilitation is authorized no more than one hundred fifty-two and five-tenths (152.5) full-time equivalent positions at any point during the period July 1, 2017, through June 30, 2018, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved March 28, 2017

CHAPTER 203
(S.B. No. 1157)

AN ACT

APPROPRIATING MONEYS TO THE IDAHO STATE HISTORICAL SOCIETY FOR FISCAL YEAR 2018; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the Idaho State Historical Society, the following amounts to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2017, through June 30, 2018:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
General					
Fund	\$2,085,200	\$1,570,800	\$265,200	\$31,600	\$3,952,800
Miscellaneous Revenue					
Fund	622,300	683,600			1,305,900
Records Management Service					
Fund	157,100	145,100			302,200
Capitol Commission Operating					
Fund	68,700	53,500			122,200
Federal Grant					
Fund	<u>967,000</u>	<u>1,276,500</u>	<u>0</u>	<u>130,000</u>	<u>2,373,500</u>
TOTAL	\$3,900,300	\$3,729,500	\$265,200	\$161,600	\$8,056,600

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Idaho State Historical Society is authorized no more than fifty-five (55) full-time equivalent positions at any point during the period July 1, 2017, through June 30, 2018, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved March 28, 2017

CHAPTER 204
(S.B. No. 1158)

AN ACT

APPROPRIATING MONEYS TO THE ATTORNEY GENERAL FOR FISCAL YEAR 2018; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND EXEMPTING THE APPROPRIATION FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS.

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

SECTION 1. There is hereby appropriated to 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, 2017, through June 30, 2018:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. STATE LEGAL SERVICES:					
FROM:					
General					
Fund	\$19,510,300	\$802,400	\$246,300		\$20,559,000
Consumer Protection					
Fund	251,300	153,000			404,300
Federal Grant					
Fund	<u>801,800</u>	<u>351,900</u>	<u>20,600</u>		<u>1,174,300</u>
TOTAL	\$20,563,400	\$1,307,300	\$266,900		\$22,137,600
II. INTERNET CRIMES AGAINST CHILDREN:					
FROM:					
General					
Fund	\$742,900	\$251,100		\$692,100	\$1,686,100
III. SPECIAL LITIGATION:					
FROM:					
General					
Fund		\$890,700			\$890,700
GRAND TOTAL	\$21,306,300	\$2,449,100	\$266,900	\$692,100	\$24,714,400

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Attorney General is authorized no more than two hundred eight and six-tenths (208.6) full-time equivalent positions at any point during the period July 1, 2017, through June 30, 2018, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. EXEMPTIONS FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS. For fiscal year 2018, the Attorney General is hereby exempted from the provisions of Section 67-3511(1), (2) and (3), Idaho Code, allowing unlimited transfers between object codes and between programs, for all moneys appropriated to it for the period July 1, 2017, through June 30, 2018. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

Approved March 28, 2017

CHAPTER 205
(S.B. No. 1159)

AN ACT

APPROPRIATING MONEYS TO THE PUBLIC DEFENSE COMMISSION FOR FISCAL YEAR 2018;
AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the Public Defense Commission from the General Fund, the following amounts to be expended for the designated expense classes, for the period July 1, 2017, through June 30, 2018:

FOR:

Personnel Costs	\$555,700
Operating Expenditures	246,300
Trustee and Benefit Payments	<u>5,025,700</u>
TOTAL	\$5,827,700

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Public Defense Commission is authorized no more than six (6) full-time equivalent positions at any point during the period July 1, 2017, through June 30, 2018, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved March 28, 2017

CHAPTER 206
(S.B. No. 1160)

AN ACT

APPROPRIATING MONEYS TO THE SUPREME COURT FOR FISCAL YEAR 2018; EXEMPTING APPROPRIATION FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS; AND PROVIDING LEGISLATIVE INTENT REGARDING RETIREMENT CONTRIBUTIONS.

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

SECTION 1. There is hereby appropriated to the Supreme Court, the following amounts to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2017, through June 30, 2018:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. COURT OPERATIONS:					
A. SUPREME COURT:					
FROM:					
General					
Fund	\$5,865,400	\$1,202,600		\$225,600	\$7,293,600
Miscellaneous Revenue					
Fund		318,500			318,500
Federal Grant					
Fund	<u>201,800</u>	<u>1,405,900</u>		<u>0</u>	<u>1,607,700</u>
TOTAL	\$6,067,200	\$2,927,000		\$225,600	\$9,219,800
B. DISTRICT COURTS:					
FROM:					
General					
Fund	\$15,154,000	\$566,400	\$3,734,500		\$19,454,900
Court Technology					
Fund	3,329,200	2,058,200	5,252,700		10,640,100
Drug Court, Mental Health and Family Court Services					
Fund	<u>1,085,100</u>	<u>2,587,900</u>	<u>0</u>		<u>3,673,000</u>
TOTAL	\$19,568,300	\$5,212,500	\$8,987,200		\$33,768,000
C. MAGISTRATES DIVISION:					
FROM:					
General					
Fund	\$14,567,900	\$388,700	\$2,500		\$14,959,100
Drug Court, Mental Health and Family Court Services					
Fund	986,300	1,136,400			2,122,700
Guardianship Pilot Project					
Fund	289,600	78,300			367,900

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Senior Magistrate Judges					
Fund		510,000			510,000
Federal Grant					
Fund	<u>0</u>	<u>110,000</u>	<u>0</u>		<u>110,000</u>
TOTAL	\$15,843,800	\$2,223,400	\$2,500		\$18,069,700
D. COURT OF APPEALS:					
FROM:					
General					
Fund	\$2,123,800	\$54,000			\$2,177,800
E. WATER ADJUDICATION:					
FROM:					
General					
Fund	\$726,500	\$166,300			\$892,800
F. COMMUNITY-BASED SUBSTANCE ABUSE TREATMENT SERVICES:					
FROM:					
General					
Fund				\$1,594,800	\$1,594,800
Substance Abuse Treatment					
Fund	<u>\$207,300</u>	<u>\$96,200</u>		<u>3,310,500</u>	<u>3,614,000</u>
TOTAL	\$207,300	\$96,200		\$4,905,300	\$5,208,800
G. SENIOR JUDGES:					
FROM:					
General					
Fund	\$1,079,400				\$1,079,400
DIVISION TOTAL	\$45,616,300	\$10,679,400	\$8,989,700	\$5,130,900	\$70,416,300
II. GUARDIAN AD LITEM PROGRAM:					
FROM:					
General					
Fund	\$16,700			\$1,092,500	\$1,109,200
III. JUDICIAL COUNCIL:					
FROM:					
General					
Fund	\$1,800	\$129,000			\$130,800
GRAND TOTAL	\$45,634,800	\$10,808,400	\$8,989,700	\$6,223,400	\$71,656,300

SECTION 2. EXEMPTIONS FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS. For fiscal year 2018, the Supreme Court is hereby exempted from the provisions of Section 67-3511(1), (2) and (3), Idaho Code, allowing unlimited transfers between object codes and between programs, for all moneys appropriated to it for the period July 1, 2017, through June 30, 2018. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

SECTION 3. RETIREMENT CONTRIBUTIONS. It is the intent of the Legislature that, of the amount appropriated in Section 1 of this act from the General Fund for the state's share of retirement contribution remittances to the Judges' Retirement Fund for justices' and judges' retirement benefits pursuant to Section 1-2004(2), Idaho Code, those amounts that are uncommitted shall be transferred monthly into operating expenditures and then paid by the Supreme Court into the Judges' Retirement Fund. Savings accrue when a position otherwise subject to payroll deductions is filled by a justice or judge who is exempt from employer and employee contributions because of twenty (20) or more years of service.

Approved March 28, 2017

CHAPTER 207
(H.B. No. 265)

AN ACT

APPROPRIATING MONEYS TO THE MILITARY DIVISION FOR FISCAL YEAR 2018; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND GRANTING CONTINUOUS APPROPRIATION FOR A CERTAIN FUND.

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

SECTION 1. There is hereby appropriated to the Military Division, the following amounts to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2017, through June 30, 2018:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. MILITARY MANAGEMENT:					
FROM:					
General					
Fund	\$2,127,600	\$427,400	\$159,500	\$300,000	\$3,014,500
Indirect Cost Recovery					
Fund	356,800	20,700			377,500
Miscellaneous Revenue					
Fund		115,900			115,900
Administration and Accounting Services					
Fund	<u>2,372,300</u>	<u>937,000</u>	<u>616,100</u>	<u>0</u>	<u>3,925,400</u>
TOTAL	\$4,856,700	\$1,501,000	\$775,600	\$300,000	\$7,433,300

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
II. FEDERAL/STATE AGREEMENTS:					
FROM:					
General					
Fund	\$853,800	\$1,050,600			\$1,904,400
Miscellaneous Revenue					
Fund	1,522,400	435,200			1,957,600
Federal Grant					
Fund	<u>19,074,500</u>	<u>20,186,800</u>	<u>\$22,000,000</u>		<u>61,261,300</u>
TOTAL	\$21,450,700	\$21,672,600	\$22,000,000		\$65,123,300
III. OFFICE OF EMERGENCY MANAGEMENT:					
FROM:					
General					
Fund	\$1,725,600	\$204,200			\$1,929,800
Federal Grant					
Fund	<u>2,528,000</u>	<u>3,851,200</u>		<u>\$11,225,600</u>	<u>17,604,800</u>
TOTAL	\$4,253,600	\$4,055,400		\$11,225,600	\$19,534,600
GRAND TOTAL	\$30,561,000	\$27,229,000	\$22,775,600	\$11,525,600	\$92,091,200

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Military Division is authorized no more than three hundred twenty-three and eight-tenths (323.8) full-time equivalent positions at any point during the period July 1, 2017, through June 30, 2018, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. CONTINUOUS APPROPRIATION. The Military Division is hereby granted continuous appropriation authority for the Idaho Office of Emergency Management's Miscellaneous Revenue Fund for the period July 1, 2017, through June 30, 2018, for the purpose of covering incurred costs arising out of hazardous substance incidents.

Approved March 29, 2017

CHAPTER 208
(H.B. No. 275)

AN ACT

APPROPRIATING MONEYS TO THE OFFICE OF THE LIEUTENANT GOVERNOR FOR FISCAL YEAR 2018; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND EXEMPTING APPROPRIATION OBJECT TRANSFER LIMITATIONS.

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

SECTION 1. There is hereby appropriated to the Office of the Lieutenant Governor from the General Fund, the following amounts to be expended for the designated expense classes, for the period July 1, 2017, through June 30, 2018:

FOR:

Personnel Costs	\$160,500
Operating Expenditures	<u>12,400</u>
TOTAL	\$172,900

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Office of the Lieutenant Governor is authorized no more than three (3) full-time equivalent positions at any point during the period July 1, 2017, through June 30, 2018, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. EXEMPTIONS FROM OBJECT TRANSFER LIMITATIONS. For fiscal year 2018, the Office of the Lieutenant Governor is hereby exempted from the provisions of Section 67-3511(1) and (3), Idaho Code, allowing unlimited transfers between object codes, for all moneys appropriated to it for the period July 1, 2017, through June 30, 2018. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

Approved March 29, 2017

CHAPTER 209
(H.B. No. 282)

AN ACT

APPROPRIATING MONEYS TO THE DIVISION OF FINANCIAL MANAGEMENT FOR FISCAL YEAR 2018; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the Division of Financial Management, the following amounts to be expended for the designated expense classes, from the listed funds for the period July 1, 2017, through June 30, 2018:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
FROM:			
General			
Fund	\$1,692,600	\$164,800	\$1,857,400
Miscellaneous Revenue			
Fund	<u>38,800</u>	<u>32,100</u>	<u>70,900</u>
TOTAL	\$1,731,400	\$196,900	\$1,928,300

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Division of Financial Management is authorized no more than fifteen (15) full-time equivalent positions at any point during the period July 1, 2017, through June 30, 2018, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved March 29, 2017

CHAPTER 210
(H.B. No. 319)

AN ACT

RELATING TO WATER; AMENDING SECTION 42-202A, IDAHO CODE, TO PROVIDE FOR USES WHERE A TEMPORARY APPROVAL SHALL BE GRANTED, TO PROVIDE FOR DURATION OF APPROVAL, TO DEFINE A TERM AND TO PROVIDE THAT TEMPORARY APPROVAL SHALL NOT BE REQUIRED FOR RESERVOIR FLOOD CONTROL AUTHORIZED BY STATE OR FEDERAL LAWS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 42-202A, Idaho Code, be, and the same is hereby amended to read as follows:

42-202A. TEMPORARY APPROVAL -- APPLICATION -- CRITERIA -- EXCEPTIONS. (1) Any person, association or corporation hereafter intending to use the waters of any natural streams, springs or seepage waters, lakes or ground water, or other public waters in the state of Idaho, for a minor use of short duration may make application to the department of water resources for temporary approval.

(2) Application for temporary approval shall be upon forms provided by the department of water resources and shall be accompanied by a fifty dollar (\$50.00) fee.

(3) The director of the department of water resources is not required to publish notice of the application pursuant to the provisions of section 42-203A, Idaho Code, and is not required to make findings as provided in section 42-203A or 42-203C, Idaho Code. The director may, however, give notice of an application as he determines appropriate and may grant a temporary approval upon completion of the application form, payment of the filing fee, a determination by the director that the temporary approval can be properly administered, a determination that other sources of water are not available, a determination that approval is in the public interest and a determination that the temporary approval will not injure public values associated with the water source or any other water right. If the temporary approval is within a water district, the director shall seek and consider the

recommendations of the watermaster before granting a temporary approval. The director may issue a temporary approval with the conditions determined by the director to be necessary to protect other water rights and the public interest.

(4) The recipient of any temporary approval issued pursuant to the provisions of this act shall assume all risk that the diversion and use of the water may injure other water rights, or otherwise not comply with the criteria described in section 42-203A(5), Idaho Code. Any applicant for a temporary approval who is aggrieved by a denial of the director of a temporary approval pursuant to this act may file an application to appropriate water as provided in section 42-202, Idaho Code.

(5) A temporary approval shall only be granted for a use not intended to become an established water right:

(a) For prevention of flood damage;

(b) For ground water recharge;

(c) For ground or surface water remediation; and/or

(d) For any other use which will not exceed a total diverted volume of five (5) acre feet for the duration of the approval, which.

Approval of the uses set forth herein shall not exceed one (1) year. "Remediation" is defined to be the removal of hazardous substances or petroleum, as those terms are defined in section 39-7203, Idaho Code, from water in response to state or federal health and safety requirements. Approvals issued under the provisions of this section constitute a waiver of the mandatory permit requirements of section 42-201(2), Idaho Code, and do not create a continuing right to use water. Temporary approvals shall not be issued as an interim water supply for a use which requires a continuing water supply.

(6) The provisions of this section do not require a temporary approval:

(a) before diverting and using water to extinguish or prevent the spread of an existing wildfire on private or public lands, facilities or equipment, including the use of water by personnel engaged in fighting an existing wildfire, or (b) for reservoir flood control authorized by state or federal laws.

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 30, 2017

CHAPTER 211
(S.B. No. 1041)

AN ACT

RELATING TO EDUCATION FUNDING; AMENDING SECTION 33-907, IDAHO CODE, TO PROVIDE REFERENCE TO A DEPOSIT INTO THE PUBLIC EDUCATION STABILIZATION FUND; AND AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1018C, IDAHO CODE, TO PROVIDE THAT THE JOINT FINANCE-APPROPRIATIONS COMMITTEE SHALL CONSIDER THE TRANSFER OF FUNDS INTO THE PUBLIC EDUCATION STABILIZATION FUND UNDER CERTAIN CIRCUMSTANCES.

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

SECTION 1. That Section 33-907, Idaho Code, be, and the same is hereby amended to read as follows:

33-907. PUBLIC EDUCATION STABILIZATION FUND. There is hereby created in the state treasury a fund to be known as the public education stabiliza-

tion 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, and 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, 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%) of the current fiscal year's total appropriation of state funds for public school support shall be transferred to the bond levy equalization fund. Interest earned from the investment of moneys in the fund shall be retained in the fund.

SECTION 2. That Chapter 10, 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 33-1018C, Idaho Code, and 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.

Approved April 4, 2017

CHAPTER 212
(S.B. No. 1086)

AN ACT

RELATING TO HIGHWAY DISTRICTS; AMENDING SECTION 40-1304, IDAHO CODE, TO REVISE THE PROCEDURE OF FILLING A VACANCY FOR A HIGHWAY DISTRICT COMMISSIONER IN THE EVENT THE BOARD IS UNABLE TO AGREE ON A SUCCESSOR AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 40-1304, Idaho Code, be, and the same is hereby amended to read as follows:

40-1304. DIVISION OF DISTRICTS INTO SUBDISTRICTS -- VACANCY IN OFFICE OF HIGHWAY COMMISSIONER. (1) At the meeting of the county commissioners at which the highway district is declared organized, the commissioners shall divide the highway district into three (3) subdistricts, as nearly equal in population, area and mileage as practicable, to be known as highway commissioners subdistricts one, two and three. Subdistricts may be revised or modified by the highway district commissioners as changes in conditions demand. Not more than one (1) of the highway district commissioners shall be an elector of the same highway subdistrict. The first highway district commissioners appointed by the governor shall serve until the next highway district election, at which their successors shall be elected. The highway commissioners shall take office on July 1 following their election.

(2) Any vacancy occurring in the office of highway commissioner, other than by expiration of the term of office, shall be determined by the remaining highway district commissioners using the criteria established in section 59-901, Idaho Code. If it is determined that a vacancy has occurred, the commissioners shall declare there is a vacancy and such vacancy shall be

filled by the highway district board and be for the balance of the term of the person replaced. If the remaining highway district commissioners are unable to agree on a person to fill the vacancy within ~~ten~~ thirty (~~130~~) days after the vacancy occurs, the chairman of the county commissioners of the county with the largest number of electors in the highway district shall then become a member of the highway district board for the purpose of filling the vacancy only. If a majority of the highway district board so constituted shall be unable to agree upon a person to fill the vacancy within ~~ten~~ thirty (~~130~~) days, or if two (2) or more vacancies shall occur in the board of highway commissioners at one ~~(1)~~ time, a special election to fill the vacancy shall be called and held in the same manner provided by law for the holding of elections for highway commissioners, except that the date of the election shall be as soon as possible, and all duties imposed by law upon the highway district board in connection with elections shall be performed by the county commissioners.

(3) When there are two (2) or more vacancies on the highway district board at the same time, the chairman of the county commissioners, along with the additional county commissioners that the county commission chairman appoints, and with the remaining highway district commissioner, if applicable, shall constitute a temporary board of highway district commissioners. The temporary board of highway district commissioners shall perform the duties required by law of a highway district board of commissioners until the newly elected highway commissioners take office.

Approved April 4, 2017

CHAPTER 213
(S.B. No. 1088)

AN ACT

RELATING TO THE IDAHO DNA DATABASE ACT OF 1996; AMENDING SECTION 19-5506, IDAHO CODE, TO PROVIDE THAT REGISTERED SEX OFFENDERS ARE REQUIRED TO SUBMIT DNA SAMPLES, TO PROVIDE THAT A COLLECTION FACILITY IS NOT REQUIRED TO COLLECT A DNA SAMPLE IN CERTAIN INSTANCES AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 19-5507, IDAHO CODE, TO PROVIDE CERTAIN CONDITIONS FOR THE COLLECTION OF A DNA SAMPLE AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 19-5506, Idaho Code, be, and the same is hereby amended to read as follows:

19-5506. SCOPE OF LAW -- OFFENDERS SUBJECT TO SAMPLE COLLECTION -- EARLY COLLECTION OF SAMPLES -- RESTITUTION. (1) Any person, including any juvenile tried as an adult, who is convicted of, or pleads guilty to, any felony crime, ~~or~~ the attempt to commit any felony crime or any crime that requires sex offender registration pursuant to sections 18-8304 and 18-8410, Idaho Code, regardless of the form of judgment or withheld judgment, and regardless of the sentence imposed or disposition rendered, shall be required to provide to the Idaho state police, a DNA sample and a right thumbprint impression.

(2) Absent consent or a warrant authorizing DNA collection based upon probable cause, no person shall be required to provide a DNA sample unless the person has been convicted of, or pleads guilty to, any felony crime ~~or~~, the attempt to commit any felony crime or any crime that requires sex offender registration pursuant to sections 18-8304 and 18-8410, Idaho Code.

(3) This chapter's requirements for submission to tests and procedures for obtaining a DNA sample and thumbprint impression from the persons who are convicted of, or who plead guilty to, any felony crime or, the attempt to commit any felony crime or any crime that requires sex offender registration pursuant to sections 18-8304 and 18-8410, Idaho Code, are mandatory and apply to those persons convicted of, or who plead guilty to, such felony crimes or, the attempt to commit such felony crimes or any crime that requires sex offender registration pursuant to sections 18-8304 and 18-8410, Idaho Code, covered in this chapter prior to its effective date, and who, as a result of the conviction or plea, are incarcerated in a county jail facility or a penal facility or, are under probation or parole supervision or are required to register as a sex offender pursuant to sections 18-8304 and 18-8410, Idaho Code, after the effective date of this chapter.

(4) The collection of samples and impressions specified in this chapter are required, regardless of whether the person previously has supplied a DNA sample to law enforcement agencies in any other jurisdiction. The collection facility is not required to collect a DNA sample if it can be verified that a sample already exists for the individual in the Idaho DNA database.

(5) The requirements of this chapter are mandatory and apply, regardless of whether a court advises a person that samples and impressions must be provided to the databank and database as a condition of probation or parole.

(6) Unless the court determines that an order of restitution would be inappropriate or undesirable, it shall order any person subject to the provisions of this section to pay restitution to help offset costs incurred by law enforcement agencies for the expense of DNA analysis.

(7) The court may order such person to pay restitution for DNA analysis in an amount not to exceed five hundred dollars (\$500) per DNA sample analysis, or in the aggregate not more than two thousand dollars (\$2,000), regardless of whether:

- (a) The source of the sample is the person, the victim or other persons of interest in the case;
- (b) Results of the analysis are entered into evidence in the person's criminal case;
- (c) The DNA sample was previously analyzed for another criminal case;
- or
- (d) Restitution for that DNA sample analysis was ordered in any other criminal case.

(8) Law enforcement agencies entitled to restitution under this section include the Idaho state police, county and city law enforcement agencies, the office of the attorney general, county prosecuting attorneys and city attorneys.

(9) In the case of reimbursement for DNA analysis performed by the Idaho state police, those moneys shall be paid to the Idaho state police and deposited in the law enforcement fund. In the case of reimbursement to the office of the attorney general, those moneys shall be paid to the general fund.

(10) Persons who have been sentenced to death, or life without the possibility of parole, or to any life or indeterminate term are not exempt from the requirements of this chapter.

SECTION 2. That Section 19-5507, Idaho Code, be, and the same is hereby amended to read as follows:

19-5507. RESPONSIBILITY FOR SAMPLE COLLECTION -- TIMING OF SAMPLE COLLECTION -- SITE FOR SAMPLE COLLECTION. (1) A court shall order a DNA sample and thumbprint impression to be taken after conviction and before sentencing of any person upon application by the prosecuting attorney, the attorney general, or the Idaho state police upon a showing that early collection of such samples will be in the best interest of justice. The DNA samples shall be collected in accordance with procedures established by the

bureau of forensic services. The director may designate a state or county correctional facility for sample collection.

(2) Any person, including any juvenile tried as an adult, who comes within the terms of this chapter, and who is granted probation or who serves an entire term of confinement in a state or county facility, or who otherwise bypasses a prison inmate reception center shall, prior to physical release from custody, be required to provide a DNA sample and thumbprint impression at an Idaho state police designated sample collection location. If the person is not incarcerated at the time of sentencing, the court shall order the person to report within ten (10) working days to the ~~facilities~~ facility designated for the collection of such specimens.

(3) The chief administrative officer of any state or local detention facility, jail or other facility shall cause a DNA sample and thumbprint impression to be collected from the person subject to this chapter during the intake process at the facility, or immediately thereafter at another facility designated for such collection, if DNA samples previously have not been taken pursuant to this chapter.

(4) The director of the department of correction shall cause a DNA sample and thumbprint impression to be collected from any person subject to the provisions of this chapter who has been sentenced to serve a term of imprisonment in a state correctional institution and who has not had a DNA sample taken after conviction and before sentencing. The DNA sample and thumbprint impression shall be collected from the person during the intake process at the reception center designated by the director of the department of correction as soon as possible.

(5) Any person subject to the provisions of this chapter who is serving a term of imprisonment or confinement, and who did not, for any reason, provide a DNA sample or thumbprint impression for analysis by the bureau of forensic services, shall submit to such tests as soon as practicable, but in any event prior to final discharge, parole, or release from imprisonment or confinement. A person who was convicted prior to the effective date of this chapter is not exempt from these requirements.

(6) As a condition of probation or parole, any person subject to the provisions of this chapter and who has not previously provided a DNA sample and thumbprint impression, shall, upon notice by a law enforcement agency or an agent of the department of correction, be required to provide a DNA sample and thumbprint impression if it has been determined that such sample and thumbprint impression are not in the possession of the bureau of forensic services. That person is required to have the sample and impression taken within ten (10) working days at the designated county or state facility.

(7) When the state accepts an offender from another state under any interstate compact, or under any other reciprocal agreement with any county, state or federal agency, or any other provision of law, whether or not the offender is confined or released, the acceptance is conditional on the offender providing a DNA sample and thumbprint impression if the offender was convicted of an offense which would qualify as a felony crime if committed in this state, or if the person was convicted of an equivalent offense in any other jurisdiction. If the offender from another state is not confined, the samples and impression required by this chapter must be provided within ten (10) working days after the offender reports to the supervising agent or within ten (10) working days of notice to the offender, whichever occurs first. The person shall report to the designated sample collection facility or facilities to have the sample and impression taken. If the offender from another state is confined, he or she shall provide the DNA sample and thumbprint impression as soon as practicable after receipt in a state or county correctional facility or other facility, and, in any event, before completion of the person's term of imprisonment, if that person is to be discharged.

(8) Any person who is convicted of or who pleads guilty to a felony offense who is released on parole, furlough or other release, and is returned to a state or local correctional institution for a violation of a condition of that release, and that person has not previously provided a DNA sample and thumbprint impression, shall provide a sample and impression upon returning to the state correctional institution.

(9) The collection facility and sex offender registration location shall verify that the individual's DNA sample has been collected in Idaho. The collection facility is not required to collect a DNA sample if it can be verified that a sample already exists for the individual in the Idaho DNA database.

Approved April 4, 2017

CHAPTER 214

(S.B. No. 1099, As Amended in the House)

AN ACT

RELATING TO THE DEPARTMENT OF LANDS; AMENDING SECTION 58-104A, IDAHO CODE, TO PROVIDE FOR AN ADMINISTRATOR TO HANDLE MATTERS OF OIL AND GAS CONSERVATION AND TO PROVIDE QUALIFICATIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 58-104A, Idaho Code, be, and the same is hereby amended to read as follows:

58-104A. ~~TWO THREE~~ DIVISION HEADS -- DIRECTION AND CONTROL -- AREAS OF OPERATION -- QUALIFICATIONS -- APPLICATIONS. The director shall have power to appoint ~~two three~~ (23) division heads who shall be known as administrators, one (1) to handle matters concerning lands, minerals and grazing, ~~and the other~~; one (1) to handle matters concerning forestry and fire; and one (1) to handle matters of oil and gas conservation. The qualifications of the division administrator for forestry and fire shall be graduation from a full four (4) year college course with a bachelor's degree, with a major in forestry including five (5) years of technical experience in the forestry-land management field; or, ten (10) years of successful and progressive technical experience of forestry and land management activities of such a nature as to enable the applicant to perform his duties successfully at the professional level. The qualifications of the division administrator for oil and gas conservation shall be graduation from a full four (4) year college course with a bachelor's degree, with a major in geology or petroleum engineering including five (5) years of technical experience in the oil and gas management field; or, ten (10) years of successful and progressive technical experience of oil and gas conservation management activities of such a nature as to enable the applicant to perform his duties successfully at the professional level.

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, 2017

CHAPTER 215
(S.B. No. 1105)

AN ACT

RELATING TO THEFT; AMENDING SECTION 18-2403, IDAHO CODE, TO PROVIDE FOR OTHER EQUIPMENT IN CERTAIN TYPES OF THEFT.

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

SECTION 1. That Section 18-2403, Idaho Code, be, and the same is hereby amended to read as follows:

18-2403. THEFT. (1) A person steals property and commits theft when, with intent to deprive another of property or to appropriate the same to himself or to a third person, he wrongfully takes, obtains or withholds such property from an owner thereof.

(2) Theft includes a wrongful taking, obtaining or withholding of another's property, with the intent prescribed in subsection (1) of this section, committed in any of the following ways:

(a) By deception obtains or exerts control over property of the owner;

(b) By conduct heretofore defined or known as larceny; common law larceny by trick; embezzlement; extortion; obtaining property, money or labor under false pretenses; or receiving stolen goods;

(c) By acquiring lost property. A person acquires lost property when he exercises control over property of another which he knows to have been lost or mislaid, or to have been delivered under a mistake as to the identity of the recipient or the nature or amount of the property, without taking reasonable measures to return such property to the owner; or a person commits theft of lost or mislaid property when he:

1. Knows or learns the identity of the owner or knows, or is aware of, or learns of a reasonable method of identifying the owner; and

2. Fails to take reasonable measures to restore the property to the owner; and

3. Intends to deprive the owner permanently of the use or benefit of the property.

(d) By false promise:

1. A person obtains property by false promise when pursuant to a scheme to defraud, he obtains property of another by means of a representation, express or implied, that he or a third person will in the future engage in particular conduct, and when he does not intend to engage in such conduct or, as the case may be, does not believe that the third person intends to engage in such conduct.

2. In any prosecution for theft based upon a false promise, the defendant's intention or belief that the promise would not be performed may not be established by or inferred from the fact alone that such promise was not performed. Such a finding may be based only upon evidence establishing that the facts and circumstances of the case are consistent with guilty intent or belief and inconsistent with innocent intent or belief, and excluding to a moral certainty every reasonable hypothesis except that of the defendant's intention or belief that the promise would not be performed;

(e) By extortion. A person obtains property by extortion when he compels or induces another person to deliver such property to himself or to a third person by means of instilling in him a fear that, if the property is not so delivered, the actor or another will:

1. Cause physical injury to some person in the future; or

2. Cause damage to property; or

3. Engage in other conduct constituting a crime; or
4. Accuse some person of a crime or cause criminal charges to be instituted against him; or
5. Expose a secret or publicize an asserted fact, whether true or false, tending to subject some person to hatred, contempt or ridicule; or
6. Cause a strike, boycott or other collective labor group action injurious to some person's business; except that such a threat shall not be deemed extortion when the property is demanded or received for the benefit of the group in whose interest the actor purports to act; or
7. Testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or
8. Use or abuse his position as a public servant by performing some act within or related to his official duties, or by failing or refusing to perform an official duty, in such manner as to affect some person adversely; or
9. Perform any other act which would not in itself materially benefit the actor but which is calculated to harm another person materially with respect to his health, safety, business, calling, career, financial condition, reputation or personal relationships.

(3) A person commits theft when he knowingly takes or exercises unauthorized control over, or makes an unauthorized transfer of an interest in, the property of another person, with the intent of depriving the owner thereof.

(4) A person commits theft when he knowingly receives, retains, conceals, obtains control over, possesses, or disposes of stolen property, knowing the property to have been stolen or under such circumstances as would reasonably induce him to believe that the property was stolen, and

- (a) Intends to deprive the owner permanently of the use or benefit of the property; or
- (b) Knowingly uses, conceals or abandons the property in such manner as to deprive the owner permanently of such use or benefit; or
- (c) Uses, conceals, or abandons the property knowing such use, concealment or abandonment probably will deprive the owner permanently of such use or benefit.

(5) Theft of labor or services or use of property.

(a) A person commits theft when he obtains the temporary use of property, labor or services of another which are available only for hire, by means of threat or deception or knowing that such use is without the consent of the person providing the property, labor or services.

(b) A person commits theft when after renting or leasing a motor vehicle or other equipment under an agreement in writing which provides for the return of the vehicle or other equipment to a particular place at a particular time, he willfully or intentionally fails to return the vehicle or other equipment to that place within forty-eight (48) hours after the time specified.

(c) A person commits theft if, having control over the disposition of services of others, to which he is not entitled, he knowingly diverts such services to his own benefit or to the benefit of another not entitled thereto.