

**GENERAL LAWS**  
**OF THE**  
**STATE OF IDAHO**



**PASSED AND PUBLISHED BY**  
**THE SECOND REGULAR SESSION OF THE**  
**SIXTY-SIXTH IDAHO LEGISLATURE**

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**Volume 2**

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

**Chairman Lakey**  
**Senate Judiciary & Rules**  
**Chairman Chaney**  
**House Judiciary, Rules & Administration**

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CHAPTER 182  
(H.B. No. 658)

AN ACT

RELATING TO EXECUTION; AMENDING SECTION 19-2716A, IDAHO CODE, TO PROVIDE CONFIDENTIALITY FOR CERTAIN PERSONS AND TO PROVIDE THAT CERTAIN PERSONS SHALL NOT HAVE THEIR LICENSURE SUSPENDED OR REVOKED; AMENDING SECTION 74-105, IDAHO CODE, TO PROVIDE THAT CERTAIN RECORDS SHALL BE EXEMPT FROM DISCLOSURE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 19-2716A, Idaho Code, be, and the same is hereby amended to read as follows:

19-2716A. PRACTICE OF MEDICINE AND POSSESSION OF CONTROLLED SUBSTANCES -- EXEMPTION -- EXCEPTIONS TO GOVERNMENTAL LIABILITY -- CONFIDENTIALITY -- LICENSURE. (1) Notwithstanding any other provision of law, infliction of the punishment of death in the manner required by section 19-2716, Idaho Code, shall not be construed as the practice of medicine. The director of the department of correction and all persons authorized by him to participate in an execution, as provided in section 19-2716, Idaho Code, shall be exempt from all laws, rules and regulations governing the practice of medicine.

(2) For the purposes of carrying out the provisions of section 19-2716, Idaho Code, any pharmacy, prescriber, manufacturer, wholesale distributor or other entity authorized by law to possess controlled substances may distribute controlled substances to the director or his designees and shall not be subject to criminal or civil liability for the death of the condemned person.

(3) For the purposes of carrying out the provisions of section 19-2716, Idaho Code, the director and his designees may obtain, possess, store and administer controlled substances and are exempt from all laws, rules and regulations governing pharmacies and controlled substances, notwithstanding any other provision of law. Any employee of the state of Idaho participating in an execution pursuant to section 19-2716, Idaho Code, shall be presumed to be acting within the course and scope of his employment and without malice or criminal intent for purposes of section 6-903, Idaho Code. Any employee, agent or contractor of the state of Idaho participating in an execution pursuant to section 19-2716, Idaho Code, shall not be subject to criminal or civil liability for the death of the condemned person.

(4) For purposes of carrying out the provisions of section 19-2716, Idaho Code, the identities of any of the following persons or entities involved in the planning, training, or performance of an execution shall be confidential, shall not be subject to disclosure, and shall not be admissible as evidence or discoverable in any proceeding before any court, tribunal, board, agency, or person:

(a) The on-site physician and any member of the escort team or medical team; and

(b) Any person or entity who compounds, synthesizes, tests, sells, supplies, manufactures, stores, transports, procures, dispenses, or prescribes the chemicals or substances for use in an execution or that provides the medical supplies or medical equipment for the execution process.

(5) If any person who participates or performs ancillary functions in an execution is licensed by a board, the licensing board shall not suspend or revoke the person's license, or take disciplinary action against the person, because of the person's participation in an execution.

SECTION 2. That Section 74-105, Idaho Code, be, and the same is hereby amended to read as follows:

74-105. RECORDS EXEMPT FROM DISCLOSURE -- LAW ENFORCEMENT RECORDS, INVESTIGATORY RECORDS OF AGENCIES, EVACUATION AND EMERGENCY RESPONSE PLANS, WORKER'S COMPENSATION. The following records are exempt from disclosure:

(1) Investigatory records of a law enforcement agency, as defined in section 74-101(7), Idaho Code, under the conditions set forth in section 74-124, Idaho Code.

(2) Juvenile records of a person maintained pursuant to chapter 5, title 20, Idaho Code, except that facts contained in such records shall be furnished upon request in a manner determined by the court to persons and governmental and private agencies and institutions conducting pertinent research studies or having a legitimate interest in the protection, welfare and treatment of the juvenile who is thirteen (13) years of age or younger. If the juvenile is petitioned or charged with an offense which would be a criminal offense if committed by an adult, the name, offense of which the juvenile was petitioned or charged and disposition of the court shall be subject to disclosure as provided in section 20-525, Idaho Code. Additionally, facts contained in any records of a juvenile maintained under chapter 5, title 20, Idaho Code, shall be furnished upon request to any school district where the juvenile is enrolled or is seeking enrollment.

(3) Records of the custody review board of the Idaho department of juvenile corrections, including records containing the names, addresses and written statements of victims and family members of juveniles, shall be exempt from public disclosure pursuant to section 20-533A, Idaho Code.

(4) (a) The following records of the department of correction:

(i) Records of which the public interest in confidentiality, public safety, security and habilitation clearly outweighs the public interest in disclosure as identified pursuant to the authority of the state board of correction under section 20-212, Idaho Code;

(ii) Records that contain any identifying information, or any information that would lead to the identification of any victims or witnesses;

(iii) Records that reflect future transportation or movement of a prisoner;

(iv) Records gathered during the course of the presentence investigation;

(v) Records of a prisoner, as defined in section 74-101(10), Idaho Code, or probationer shall not be disclosed to any other prisoner or probationer.

(b) Records, other than public expenditure records, related to proposed or existing critical infrastructure held by or in the custody of any public agency only when the disclosure of such information is reasonably likely to jeopardize the safety of persons, property or the public safety. Such records may include emergency evacuation, escape or other emergency response plans, vulnerability assessments, operation and security manuals, plans, blueprints or security codes. For purposes of this paragraph, "system" includes electrical, computer and telecommunication systems, electric power (including production, generating, transportation, transmission and distribution), heating, ventilation, and air conditioning. For purposes of this subsection, "critical infrastructure" means any system or asset, whether physical or virtual, so vital to the state of Idaho, including its political subdivisions, that the incapacity or destruction of such system or asset would have a debilitating impact on state or national economic security, state or national public health or safety or any combination of those matters.

(c) Records of the Idaho commission of pardons and parole shall be exempt from public disclosure pursuant to section 20-1003, Idaho Code, and section 20-1005, Idaho Code. Records exempt from disclosure shall also include those containing the names, addresses and written statements of victims.

(5) Voting records of the former sexual offender classification board. The written record of the vote to classify an offender as a violent sexual predator by each board member in each case reviewed by that board member shall be exempt from disclosure to the public and shall be made available upon request only to the governor, the chairman of the senate judiciary and rules committee, and the chairman of the house of representatives judiciary, rules and administration committee, for all lawful purposes.

(6) Records of the sheriff or Idaho state police received or maintained pursuant to sections 18-3302, 18-3302H and 18-3302K, Idaho Code, relating to an applicant or licensee except that any law enforcement officer and law enforcement agency, whether inside or outside the state of Idaho, may access information maintained in the license record system as set forth in section 18-3302K(16), Idaho Code.

(7) Records of investigations prepared by the department of health and welfare pursuant to its statutory responsibilities dealing with the protection of children, the rehabilitation of youth, adoptions and the commitment of mentally ill persons. For reasons of health and safety, best interests of the child or public interest, the department of health and welfare may provide for the disclosure of records of investigations associated with actions pursuant to the provisions of chapter 16, title 16, Idaho Code, prepared by the department of health and welfare pursuant to its statutory responsibilities dealing with the protection of children except any such records regarding adoptions shall remain exempt from disclosure.

(8) Records including, but not limited to, investigative reports, resulting from investigations conducted into complaints of discrimination made to the Idaho human rights commission unless the public interest in allowing inspection and copying of such records outweighs the legitimate public or private interest in maintaining confidentiality of such records. A person may inspect and copy documents from an investigative file to which he or she is a named party if such documents are not otherwise prohibited from disclosure by federal law or regulation or state law. The confidentiality of this subsection will no longer apply to any record used in any judicial proceeding brought by a named party to the complaint or investigation, or by the Idaho human rights commission, relating to the complaint of discrimination.

(9) Records containing information obtained by the manager of the Idaho state insurance fund pursuant to chapter 9, title 72, Idaho Code, from or on behalf of employers or employees contained in underwriting and claims for benefits files.

(10) The worker's compensation records of the Idaho industrial commission provided that the industrial commission shall make such records available:

(a) To the parties in any worker's compensation claim and to the industrial special indemnity fund of the state of Idaho; or

(b) To employers and prospective employers subject to the provisions of the Americans with disabilities act, 42 U.S.C. 12112, or other statutory limitations, who certify that the information is being requested with respect to a worker to whom the employer has extended an offer of employment and will be used in accordance with the provisions of the Americans with disabilities act, 42 U.S.C. 12112, or other statutory limitations; or

(c) To employers and prospective employers not subject to the provisions of the Americans with disabilities act, 42 U.S.C. 12112, or other statutory limitations, provided the employer presents a written authorization from the person to whom the records pertain; or

(d) To others who demonstrate that the public interest in allowing inspection and copying of such records outweighs the public or private interest in maintaining the confidentiality of such records, as determined by a civil court of competent jurisdiction; or

(e) Although a claimant's records maintained by the industrial commission, including medical and rehabilitation records, are otherwise exempt from public disclosure, the quoting or discussing of medical or rehabilitation records contained in the industrial commission's records during a hearing for compensation or in a written decision issued by the industrial commission shall be permitted; provided further, the true identification of the parties shall not be exempt from public disclosure in any written decision issued and released to the public by the industrial commission.

(11) Records of investigations compiled by the commission on aging involving vulnerable adults, as defined in section 18-1505, Idaho Code, alleged to be abused, neglected or exploited.

(12) Criminal history records and fingerprints, as defined in section 67-3001, Idaho Code, and compiled by the Idaho state police. Such records shall be released only in accordance with chapter 30, title 67, Idaho Code.

(13) Records furnished or obtained pursuant to section 41-1019, Idaho Code, regarding termination of an appointment, employment, contract or other insurance business relationship between an insurer and a producer.

(14) Records of a prisoner or former prisoner in the custody of any state or local correctional facility, when the request is made by another prisoner in the custody of any state or local correctional facility.

(15) Except as provided in section 72-1007, Idaho Code, records of the Idaho industrial commission relating to compensation for crime victims under chapter 10, title 72, Idaho Code.

(16) Records or information identifying a complainant maintained by the department of health and welfare pursuant to section 39-3556, Idaho Code, relating to certified family homes, unless the complainant consents in writing to the disclosure or the disclosure of the complainant's identity is required in any administrative or judicial proceeding.

(17) Records of any certification or notification required by federal law to be made in connection with the acquisition or transfer of a firearm, including a firearm as defined in 26 U.S.C. 5845(a).

(18) The following records of the state public defense commission:

(a) Records containing information protected or exempted from disclosure under the rules adopted by the Idaho supreme court, attorney work product, attorney-client privileged communication, records containing confidential information from an individual about his criminal case or performance of his attorney, or confidential information about an inquiry into an attorney's fitness to represent indigent defendants.

(b) Records related to the administration of the extraordinary litigation fund by the state public defense commission, pursuant to section 19-850(2)(e), Idaho Code, to the extent that such records contain information protected or exempted from disclosure under rules adopted by the Idaho supreme court, attorney work product or attorney-client privileged communication. This exemption does not include the amount awarded based upon an application for extraordinary litigation funds.

(19) Records and information received by the office of the state controller from any local government, state agency and department, or volunteer nongovernmental entity for purposes of entry into the criminal justice integrated data system pursuant to section 19-4803, Idaho Code, and all records created by persons authorized to research and analyze information entered into the criminal justice integrated data system, regardless of whether such records were previously exempted from disclosure or redacted pursuant to state or federal law or court order. This exemption does not apply to projects, reports, and data analyses approved for release by the

data oversight council and issued by persons authorized to conduct research and analysis as set forth in chapter 48, title 19, Idaho Code. Records and information relating to the management of the criminal justice integrated data system shall not be exempt from disclosure except as otherwise provided in law.

(20) Records that contain any identifying information or any information that could lead to the identification of any persons or entities that participate in or assist with an execution of a death sentence as described in section 19-2716A, Idaho Code.

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 23, 2022

CHAPTER 183  
(H.B. No. 664)

AN ACT

RELATING TO THE AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY INTERSTATE COMPACT; AMENDING CHAPTER 29, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-2918A, IDAHO CODE, TO PROVIDE FOR THE AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY INTERSTATE COMPACT; AMENDING SECTION 54-2912, IDAHO CODE, TO PROVIDE FOR THE SUBMISSION OF FINGERPRINTS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-2913, IDAHO CODE, TO PROVIDE FOR THE SUBMISSION OF FINGERPRINTS AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That 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 54-2918A, Idaho Code, and to read as follows:

54-2918A. The terms and conditions of the audiology and speech-language pathology interstate compact are hereby enacted as follows:

AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY INTERSTATE COMPACT (ASLP-IC)

SECTION 1  
PURPOSE

The purpose of this compact is to facilitate interstate practice of audiology and speech-language pathology with the goal of improving public access to audiology and speech-language pathology services. The practice of audiology and speech-language pathology occurs in the state where the patient/client/student is located at the time of the patient/client/student encounter. The compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure.

This compact is designed to achieve the following objectives:

1. Increase public access to audiology and speech-language pathology services by providing for the mutual recognition of other member state licenses;
2. Enhance the member states' ability to protect the public's health and safety;

3. Encourage the cooperation of member states in regulating multistate audiology and speech-language pathology practice;
4. Support spouses of relocating active duty military personnel;
5. Enhance the exchange of licensure, investigative, and disciplinary information between member states;
6. Allow a remote state to hold a provider of services with a compact privilege in that state accountable to that state's practice standards; and
7. Allow for the use of telehealth technology to facilitate increased access to audiology and speech-language pathology services.

## SECTION 2 DEFINITIONS

As used in this compact, and except as otherwise provided, the following definitions shall apply:

A. "Active duty military" means full-time duty status in the active uniformed service of the United States, including members of the national guard and reserve on active duty orders pursuant to 10 U.S.C. 1209 and 1211.

B. "Adverse action" means any administrative, civil, equitable, or criminal action permitted by a state's laws imposed by a licensing board or other authority against an audiologist or speech-language pathologist, including actions against an individual's license or privilege to practice, such as revocation, suspension, probation, monitoring of the licensee, or restriction on the licensee's practice.

C. "Alternative program" means a nondisciplinary monitoring process approved by an audiology or speech-language pathology licensing board to address impaired practitioners.

D. "Audiologist" means an individual who is licensed by a state to practice audiology.

E. "Audiology" means the care and services provided by a licensed audiologist as set forth in the member state's statutes and rules.

F. "Audiology and speech-language pathology compact commission" or "commission" means the national administrative body whose membership consists of all states that have enacted the compact.

G. "Audiology and speech-language pathology licensing board," "audiology licensing board," "speech-language pathology licensing board," or "licensing board" means the agency of a state that is responsible for the licensing and regulation of audiologists and/or speech-language pathologists.

H. "Compact privilege" means the authorization granted by a remote state to allow a licensee from another member state to practice as an audiologist or speech-language pathologist in the remote state under its laws and rules. The practice of audiology or speech-language pathology occurs in the member state where the patient/client/student is located at the time of the patient/client/student encounter.

I. "Current significant investigative information" means investigative information that a licensing board, after an inquiry or investigation that includes notification and an opportunity for the audiologist or speech-language pathologist to respond, if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction.

J. "Data system" means a repository of information about licensees, including but not limited to continuing education, examination, licensure, investigative information, compact privilege, and adverse action.

K. "Encumbered license" means a license in which an adverse action restricts the practice of audiology or speech-language pathology by the licensee and said adverse action has been reported to the national practitioners data bank (NPDB).

L. "Executive committee" means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the commission.

M. "Home state" means the member state that is the licensee's primary state of residence.

N. "Impaired practitioner" means individuals whose professional practice is adversely affected by substance abuse, addiction, or other health-related conditions.

O. "Licensee" means an individual who currently holds an authorization from the state licensing board to practice as an audiologist or speech-language pathologist.

P. "Member state" means a state that has enacted the compact.

Q. "Privilege to practice" means a legal authorization permitting the practice of audiology or speech-language pathology in a remote state.

R. "Remote state" means a member state other than the home state where a licensee is exercising or seeking to exercise the compact privilege.

S. "Rule" means a regulation, principle, or directive promulgated by the commission that has the force of law.

T. "Single-state license" means an audiology or speech-language pathology license issued by a member state that authorizes practice only within the issuing state and does not include a privilege to practice in any other member state.

U. "Speech-language pathologist" means an individual who is licensed by a state to practice speech-language pathology.

V. "Speech-language pathology" means the care and services provided by a licensed speech-language pathologist as set forth in the member state's statutes and rules.

W. "State" means any state, commonwealth, district, or territory of the United States that regulates the practice of audiology and speech-language pathology.

X. "State practice laws" means a member state's laws, rules, and regulations that govern the practice of audiology or speech-language pathology, define the scope of audiology or speech-language pathology practice, and create the methods and grounds for imposing discipline.

Y. "Telehealth" means the application of telecommunication technology to deliver audiology or speech-language pathology services at a distance for assessment, intervention, and/or consultation.

### SECTION 3

#### STATE PARTICIPATION IN THE COMPACT

A. A license issued to an audiologist or speech-language pathologist by a home state to a resident in that state shall be recognized by each member state as authorizing an audiologist or speech-language pathologist to practice audiology or speech-language pathology, under a privilege to practice, in each member state.

B. A state must implement or utilize procedures for considering the criminal history records of applicants for initial privilege to practice. These procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the federal bureau of investigation and the agency responsible for retaining that state's criminal records.

1. A member state must fully implement a criminal background check requirement within a time frame established by rule by receiving the results of the federal bureau of investigation record search on criminal background checks and use the results in making licensure decisions.



2. Communication between a member state, the commission, and among member states regarding the verification of eligibility for licensure through the compact shall not include any information received from the federal bureau of investigation relating to a federal criminal records check performed by a member state under P.L. 92-544.

C. Upon application for a privilege to practice, the licensing board in the issuing remote state shall ascertain, through the data system, whether the applicant has ever held, or is the holder of, a license issued by any other state, whether there are any encumbrances on any license or privilege to practice held by the applicant, and whether any adverse action has been taken against any license or privilege to practice held by the applicant.

D. Each member state shall require an applicant to obtain or retain a license in the home state and meet the home state's qualifications for licensure or renewal of licensure, as well as all other applicable state laws.

E. An audiologist must:

1. Meet one (1) of the following educational requirements:

a. On or before December 31, 2007, have graduated with a master's degree or doctorate in audiology, or equivalent degree regardless of degree name, from a program that is accredited by an accrediting agency recognized by the council for higher education accreditation, or its successor, or by the United States department of education and operated by a college or university accredited by a regional or national accrediting organization recognized by the licensing board;

b. On or after January 1, 2008, have graduated with a doctoral degree in audiology, or equivalent degree regardless of degree name, from a program that is accredited by an accrediting agency recognized by the council for higher education accreditation, or its successor, or by the United States department of education and operated by a college or university accredited by a regional or national accrediting organization recognized by the licensing board; or

c. Have graduated from an audiology program housed in an institution of higher education outside of the United States: (a) for which the program and institution have been approved by the authorized accrediting body in the applicable country; and (b) for which the degree program has been verified by an independent credentials review agency comparable to a licensing board-approved program;

2. Have completed a supervised clinical practicum experience from an accredited educational institution or its cooperating programs as required by the commission;

3. Have successfully passed a national examination approved by the commission;

4. Hold an active, unencumbered license;

5. Have not been convicted or found guilty, and have not entered into an agreed disposition, of a felony related to the practice of audiology, under applicable state or federal criminal law; and

6. Have a valid United States social security or national practitioner identification number.

F. A speech-language pathologist must:

1. Meet one (1) of the following educational requirements:

a. Have graduated with a master's degree from a speech-language pathology program accredited by an organization recognized by the United States department of education and operated by a college or university accredited by a regional or national accrediting organization recognized by the licensing board; or

- b. Have graduated from a speech-language pathology program that is housed in an institution of higher education outside of the United States: (a) for which the program and institution have been approved by the authorized accrediting body in the applicable country; and (b) for which the degree program has been verified by an independent credentials review agency comparable to a licensing board-approved program;
  2. Have completed a supervised clinical practicum experience from an educational institution or its cooperating programs as required by the commission;
  3. Have completed a supervised postgraduate professional experience as required by the commission;
  4. Have successfully passed a national examination approved by the commission;
  5. Hold an active, unencumbered license;
  6. Have not been convicted or found guilty, and have not entered into an agreed disposition, of a felony related to the practice of speech-language pathology, under applicable state or federal criminal law; and
  7. Have a valid United States social security or national practitioner identification number.
- G. The privilege to practice is derived from the home state license.
- H. An audiologist or speech-language pathologist practicing in a member state must comply with the state practice laws of the state in which the client is located at the time service is provided. The practice of audiology and speech-language pathology shall include all audiology and speech-language pathology practice as defined by the state practice laws of the member state in which the client is located. The practice of audiology and speech-language pathology in a member state under a privilege to practice shall subject an audiologist or speech-language pathologist to the jurisdiction of the licensing board, the courts, and the laws of the member state in which the client is located at the time service is provided.
- I. Individuals not residing in a member state shall continue to be able to apply for a member state's single-state license as provided under the laws of each member state. However, the single-state license granted to these individuals shall not be recognized as granting the privilege to practice audiology or speech-language pathology in any other member state. Nothing in this compact shall affect the requirements established by a member state for the issuance of a single-state license.
- J. Member states may charge a fee for granting a compact privilege.
- K. Member states must comply with the bylaws and rules and regulations of the commission.

#### SECTION 4 COMPACT PRIVILEGE

- A. To exercise the compact privilege under the terms and provisions of the compact, the audiologist or speech-language pathologist shall:
1. Hold an active license in the home state;
  2. Have no encumbrance on any state license;
  3. Be eligible for a compact privilege in any member state in accordance with section 3 of this compact;
  4. Have not had any adverse action against any license or compact privilege within the previous two (2) years from date of application;
  5. Notify the commission that the licensee is seeking the compact privilege within a remote state or states;
  6. Pay any applicable fees, including any state fee, for the compact privilege; and
  7. Report to the commission any adverse action taken by a nonmember state within thirty (30) days from the date the adverse action is taken.

B. For the purposes of the compact privilege, an audiologist or speech-language pathologist shall hold only one (1) home state license at a time.

C. Except as provided in section 6 of this compact, if an audiologist or speech-language pathologist changes primary state of residence by moving between two (2) member states, the audiologist or speech-language pathologist must apply for licensure in the new home state, and the license issued by the prior home state shall be deactivated in accordance with applicable rules adopted by the commission.

D. The audiologist or speech-language pathologist may apply for licensure in advance of a change in primary state of residence.

E. A license shall not be issued by the new home state until the audiologist or speech-language pathologist provides satisfactory evidence of a change in primary state of residence to the new home state and satisfies all applicable requirements to obtain a license from the new home state.

F. If an audiologist or speech-language pathologist changes primary state of residence by moving from a member state to a nonmember state, the license issued by the prior home state shall convert to a single-state license, valid only in the former home state.

G. The compact privilege is valid until the expiration date of the home state license. The licensee must comply with the requirements of section 4A of this compact to maintain the compact privilege in the remote state.

H. A licensee providing audiology or speech-language pathology services in a remote state under the compact privilege shall function within the laws and regulations of the remote state.

I. A licensee providing audiology or speech-language pathology services in a remote state is subject to that state's regulatory authority. A remote state may, in accordance with due process and that state's laws, remove a licensee's compact privilege in the remote state for a specific period of time, impose fines, and take any other necessary actions to protect the health and safety of its citizens.

J. If a home state license is encumbered, the licensee shall lose the compact privilege in a remote state until the following occur:

1. The home state license is no longer encumbered; and
2. Two (2) years have elapsed from the date of the adverse action.

K. Once an encumbered license in the home state is restored to good standing, the licensee must meet the requirements of section 4A of this compact to obtain a compact privilege in a remote state.

L. Once the requirements of section 4J of this compact have been met, the licensee must meet the requirements in section 4A of this compact to obtain a compact privilege in a remote state.

## SECTION 5 COMPACT PRIVILEGE TO PRACTICE TELEHEALTH

Member states shall recognize the right of an audiologist or speech-language pathologist, licensed by a home state in accordance with section 3 of this compact and under rules promulgated by the commission, to practice audiology or speech-language pathology in any member state via telehealth under a privilege to practice as provided in the compact and rules promulgated by the commission.

SECTION 6  
ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

Active duty military personnel, or their spouse, shall designate a home state where the individual has a current license in good standing. The individual may retain the home state designation during the period the service member is on active duty. Subsequent to designating a home state, the individual shall only change their home state through application for licensure in the new state.

SECTION 7  
ADVERSE ACTIONS

A. In addition to the other powers conferred by state law, a remote state shall have the authority, in accordance with existing state due process law, to:

1. Take adverse action against an audiologist's or speech-language pathologist's privilege to practice within that member state.
2. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a licensing board in a member state for the attendance and testimony of witnesses or the production of evidence from another member state shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state in which the witnesses or evidence are located.
3. Only the home state shall have the power to take adverse action against an audiologist's or speech-language pathologist's license issued by the home state.

B. For purposes of taking adverse action, the home state shall give the same priority and effect to reported conduct received from a member state as it would if the conduct had occurred within the home state. In so doing, the home state shall apply its own state laws to determine appropriate action.

C. The home state shall complete any pending investigations of an audiologist or speech-language pathologist who changes primary state of residence during the course of the investigations. The home state shall also have the authority to take appropriate action and shall promptly report the conclusions of the investigations to the administrator of the data system. The administrator of the coordinated licensure information system shall promptly notify the new home state of any adverse actions.

D. If otherwise permitted by state law, the member state may recover from the affected audiologist or speech-language pathologist the costs of investigations and disposition of cases resulting from any adverse action taken against that audiologist or speech-language pathologist.

E. The member state may take adverse action based on the factual findings of the remote state, provided that the member state follows the member state's own procedures for taking the adverse action.

F. Joint investigations:

1. In addition to the authority granted to a member state by its respective audiology or speech-language pathology practice act or other applicable state law, any member state may participate with other member states in joint investigations of licensees.
2. Member states shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the compact.

G. If adverse action is taken by the home state against an audiologist's or speech-language pathologist's license, the audiologist's or speech-language pathologist's privilege to practice in all other member states shall be deactivated until all encumbrances have been removed from the state license. All home state disciplinary orders that impose adverse action against an audiologist's or speech-language pathologist's license shall include a statement that the audiologist's or speech-language pathologist's privilege to practice is deactivated in all member states during the pendency of the order.

H. If a member state takes adverse action, it shall promptly notify the administrator of the data system. The administrator of the data system shall promptly notify the home state of any adverse actions by remote states.

I. Nothing in this compact shall override a member state's decision that participation in an alternative program may be used in lieu of adverse action.

SECTION 8  
ESTABLISHMENT OF THE AUDIOLOGY AND SPEECH-  
LANGUAGE PATHOLOGY COMPACT COMMISSION

A. The compact member states hereby create and establish a joint public agency known as the audiology and speech-language pathology compact commission:

1. The commission is an instrumentality of the compact states.
2. Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.
3. Nothing in this compact shall be construed to be a waiver of sovereign immunity.

B. Membership, voting, and meetings:

1. Each member state shall have two (2) delegates selected by that member state's licensing board. The delegates shall be current members of the licensing board. One (1) shall be an audiologist and one (1) shall be a speech-language pathologist.
2. An additional five (5) delegates, who are either public members or board administrators from a licensing board, shall be chosen by the executive committee from a pool of nominees provided by the commission at large.
3. Any delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed.
4. The member state board shall fill any vacancy occurring on the commission within ninety (90) days.
5. Each delegate shall be entitled to one (1) vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission.
6. A delegate shall vote in person or by other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication.
7. The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

C. The commission shall have the following powers and duties:

1. Establish the fiscal year of the commission;
2. Establish bylaws;
3. Establish a code of ethics;
4. Maintain financial records in accordance with the bylaws;

5. Meet and take actions as are consistent with the provisions of this compact and the bylaws;
  6. Promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The rules shall have the force and effect of law and shall be binding in all member states;
  7. Bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any state audiology or speech-language pathology licensing board to sue or be sued under applicable law shall not be affected;
  8. Purchase and maintain insurance and bonds;
  9. Borrow, accept, or contract for services of personnel, including but not limited to employees of a member state;
  10. Hire employees, elect or appoint officers, fix compensation, define duties, grant individuals appropriate authority to carry out the purposes of the compact, and establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;
  11. Accept any and all appropriate donations and grants of money, equipment, supplies, materials, and services, and receive, utilize, and dispose of the same; provided, that at all times the commission shall avoid any appearance of impropriety or conflict of interest;
  12. Lease, purchase, accept appropriate gifts or donations of, or otherwise own, hold, improve, or use any property, real, personal, or mixed; provided, that at all times the commission shall avoid any appearance of impropriety;
  13. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed;
  14. Establish a budget and make expenditures;
  15. Borrow money;
  16. Appoint committees, including standing committees composed of members and other interested persons, as may be designated in this compact and the bylaws;
  17. Provide and receive information from, and cooperate with, law enforcement agencies;
  18. Establish and elect an executive committee; and
  19. Perform other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of audiology and speech-language pathology licensure and practice.
- D. The executive committee:
1. The executive committee shall have the power to act on behalf of the commission according to the terms of this compact.
  2. The executive committee shall be composed of ten (10) members:
    - a. Seven (7) voting members who are elected by the commission from the current membership of the commission;
    - b. Two (2) ex officio members, consisting of one (1) nonvoting member from a recognized national audiology professional association and one (1) nonvoting member from a recognized national speech-language pathology association; and
    - c. One (1) ex officio nonvoting member from the recognized membership organization of the audiology and speech-language pathology licensing board.
- E. The ex officio members shall be selected by their respective organizations.
1. The commission may remove any member of the executive committee as provided in the bylaws.
  2. The executive committee shall meet at least annually.
  3. The executive committee shall have the following duties and responsibilities:

- a. Recommend to the entire commission changes to the rules or by-laws, changes to this compact legislation, fees paid by compact member states such as annual dues, and any commission compact fee charged to licensees for the compact privilege;
  - b. Ensure compact administration services are appropriately provided, contractual or otherwise;
  - c. Prepare and recommend the budget;
  - d. Maintain financial records on behalf of the commission;
  - e. Monitor compact compliance of member states and provide compliance reports to the commission;
  - f. Establish additional committees as necessary; and
  - g. Other duties as provided in rules or bylaws.
4. All meetings of the commission shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in section 10 of this compact.
5. The commission or the executive committee or other committees of the commission may convene in a closed, nonpublic meeting if the commission or executive committee or other committees of the commission must discuss:
  - a. Noncompliance of a member state with its obligations under the compact;
  - b. The employment, compensation, discipline or other matters, practices or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures;
  - c. Current, threatened, or reasonably anticipated litigation;
  - d. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;
  - e. Accusing any person of a crime or formally censuring any person;
  - f. Disclosure of trade secrets or commercial or financial information that is privileged or confidential;
  - g. Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
  - h. Disclosure of investigative records compiled for law enforcement purposes;
  - i. Disclosure of information related to any investigative reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact; or
  - j. Matters specifically exempted from disclosure by federal or member state statute.
6. If a meeting, or portion of a meeting, is closed pursuant to this provision, the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision.
7. The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefor, including a description of the views expressed. All documents considered in connection with an action shall be identified in minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the commission or order of a court of competent jurisdiction.
8. Financing of the commission:
  - a. The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

b. The commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services.

c. The commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff, which assessment must be in an amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based on a formula to be determined by the commission, which shall promulgate a rule binding on all member states.

9. The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same or pledge the credit of any of the member states, except by and with the authority of the member state.

10. The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the commission.

F. Qualified immunity, defense, and indemnification:

1. The members, officers, executive director, employees, and representatives of the commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that nothing in this paragraph shall be construed to protect any person from suit and/or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.

2. The commission shall defend any member, officer, executive director, employee, or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

3. The commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that the person had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.



SECTION 9  
DATA SYSTEM

A. The commission shall provide for the development, maintenance, and utilization of a coordinated database and reporting system containing licensure, adverse action, and investigative information on all licensed individuals in member states.

B. Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the data system on all individuals to whom this compact is applicable as required by the rules of the commission, including:

1. Identifying information;
2. Licensure data;
3. Adverse actions against a license or compact privilege;
4. Nonconfidential information related to alternative program participation;
5. Any denial of application for licensure, and the reason or reasons for denial; and
6. Other information that may facilitate the administration of this compact, as determined by the rules of the commission.

C. Investigative information pertaining to a licensee in any member state shall be available only to other member states.

D. The commission shall promptly notify all member states of any adverse action taken against a licensee or an individual applying for a license. Adverse action information pertaining to a licensee in any member state shall be available to any other member state.

E. Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.

F. Any information submitted to the data system that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the data system.

SECTION 10  
RULEMAKING

A. The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

B. If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact within four (4) years of the date of adoption of the rule, the rule shall have no further force and effect in any member state.

C. Rules or amendments to the rules shall be adopted at a regular or special meeting of the commission.

D. Prior to promulgation and adoption of a final rule or rules by the commission, and at least thirty (30) days in advance of the meeting at which the rule shall be considered and voted on, the commission shall file a notice of proposed rulemaking:

1. On the website of the commission or other publicly accessible platform; and
2. On the website of each member state audiology or speech-language pathology licensing board or other publicly accessible platform or the publication in which each state would otherwise publish proposed rules.

E. The notice of proposed rulemaking shall include:

1. The proposed time, date, and location of the meeting in which the rule shall be considered and voted on;
2. The text of the proposed rule or amendment and the reason for the proposed rule;
3. A request for comments on the proposed rule from any interested person; and
4. The manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments.

F. Prior to the adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.

G. The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:

1. At least twenty-five (25) persons;
2. A state or federal governmental subdivision or agency; or
3. An association having at least twenty-five (25) members.

H. If a hearing is held on the proposed rule or amendment, the commission shall publish the place, time, and date of the scheduled public hearing. If the hearing is held via electronic means, the commission shall publish the mechanism for access to the electronic hearing.

1. All persons wishing to be heard at the hearing shall notify the executive director of the commission or other designated member in writing of their desire to appear and testify at the hearing not less than five (5) business days before the scheduled date of the hearing.
2. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.
3. All hearings shall be recorded. A copy of the recording shall be made available on request.
4. Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this section.

I. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received.

J. If no written notice of intent to attend the public hearing by interested parties is received, the commission may proceed with promulgation of the proposed rule without a public hearing.

K. The commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

L. Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in the compact and in this section shall be retroactively applied to the rule as soon as reasonably possible and in no event later than ninety (90) days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

1. Meet an imminent threat to public health, safety, or welfare;
2. Prevent a loss of commission or member state funds; or
3. Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule.

M. The commission or an authorized committee of the commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the chair of the commission prior to the end of the notice period. If no challenge is made, the revision shall take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

#### SECTION 11

##### OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

###### A. Dispute resolution:

1. Upon request by a member state, the commission shall attempt to resolve disputes related to the compact that arise among member states and between member and nonmember states.
2. The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes, as appropriate.

###### B. Enforcement:

1. The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.
2. By majority vote, the commission may initiate legal action in the United States district court for the District of Columbia or the federal district where the commission has its principal offices against a member state in default to enforce compliance with the provisions of the compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of litigation, including reasonable attorney's fees.
3. The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

#### SECTION 12

##### DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENTS

A. The compact shall come into effect on the date on which the compact statute is enacted into law in the tenth member state. The provisions, which become effective at that time, shall be limited to the powers granted to the commission relating to assembly and the promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the compact.

B. Any state that joins the compact subsequent to the commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the commission shall have the full force and effect of law on the day the compact becomes law in that state.

C. Any member state may withdraw from this compact by enacting a statute repealing the same.

1. A member state's withdrawal shall not take effect until six (6) months after enactment of the repealing statute.

2. Withdrawal shall not affect the continuing requirement of the withdrawing state's audiology or speech-language pathology licensing board to comply with the investigative and adverse action reporting requirements of this compact prior to the effective date of withdrawal.

D. Nothing contained in this compact shall be construed to invalidate or prevent any audiology or speech-language pathology licensure agreement or other cooperative arrangement between a member state and a nonmember state that does not conflict with the provisions of this compact.

E. This compact may be amended by the member states. No amendment to this compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

### SECTION 13

#### CONSTRUCTION AND SEVERABILITY

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable, and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any member state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any member state, the compact shall remain in full force and effect as to the remaining member states and in full force and effect as to the member state affected as to all severable matters.

### SECTION 14

#### BINDING EFFECT OF COMPACT AND OTHER LAWS

A. Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with the compact.

B. All laws in a member state in conflict with the compact are superseded to the extent of the conflict.

C. All lawful actions of the commission, including all rules and bylaws promulgated by the commission, are binding on the member states.

D. All agreements between the commission and the member states are binding in accordance with their terms.

E. In the event any provision of the compact exceeds the constitutional limits imposed on the legislature of any member state, the provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.

SECTION 2. That Section 54-2912, Idaho Code, be, and the same is hereby amended to read as follows:

54-2912. QUALIFICATIONS FOR LICENSURE -- AUDIOLOGIST. (1) To be eligible for licensure by the board as an audiologist, the applicant shall:

(a) 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;

(b) Provide documentation satisfactory to the board that the applicant possesses a master's or doctoral degree with emphasis in audiology or not less than seventy-five (75) semester credit hours of post-baccalaureate study that culminates in a doctoral or other recognized degree from a nationally accredited school for audiology with a curriculum acceptable to the board;

(c) Pass an examination in audiology approved by the board;

(d) Meet the current supervised academic clinical practicum, and supervised postgraduate professional experience approved by the board;

(e) Submit a full set of the applicant's fingerprints on forms supplied by the board that shall be utilized to obtain a fingerprint-based criminal history background check from the Idaho state police and the federal bureau of investigation; and

(f) Have never had a license for audiology revoked as part of disciplinary action from this or any other state, and shall not be found by the board to have engaged in conduct prohibited by section 54-2923, Idaho Code, provided however, the board may take into consideration the rehabilitation of the applicant and other mitigating circumstances.

(2) The applicant shall disclose on his written application:

(a) Any criminal conviction or charge, other than minor traffic infractions, against the applicant;

(b) Any disciplinary action taken against the applicant by any professional regulatory agency, including any agency within the state or any other state; and

(c) Any denial of registration or licensure by any state or district regulatory body.

(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.

SECTION 3. That Section 54-2913, Idaho Code, be, and the same is hereby amended to read as follows:

54-2913. QUALIFICATIONS FOR LICENSURE -- SPEECH-LANGUAGE PATHOLOGIST. (1) To be eligible for licensure as a speech-language pathologist, the applicant shall:

(a) 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;

(b) Provide documentation satisfactory to the board that the applicant possesses a master's or doctoral degree from a nationally accredited school of speech-language pathology with a curriculum acceptable to the board;

(c) Pass an examination in speech-language pathology approved by the board;

(d) Meet the current supervised academic clinical practicum and supervised postgraduate professional experience approved by the board;

(e) Submit a full set of the applicant's fingerprints on forms supplied by the board that shall be utilized to obtain a fingerprint-based criminal history background check from the Idaho state police and the federal bureau of investigation; and

(f) Have never had a license for speech-language pathology revoked as part of disciplinary action from this or any other state and shall not be found by the board to have engaged in conduct prohibited by section 54-2923, Idaho Code, provided however, the board may take into consideration the rehabilitation of the applicant and other mitigating circumstances.

(2) The applicant shall disclose on his written application:

(a) Any criminal conviction or charge, other than minor traffic infractions, against the applicant;

(b) Any disciplinary action taken against the applicant by any professional regulatory agency, including any agency within the state or any other state; and

(c) Any denial of registration or licensure by any state or district regulatory body.

(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.

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 23, 2022

CHAPTER 184  
(H.B. No. 681)

AN ACT

RELATING TO BIOLOGICAL PRODUCTS; REPEALING CHAPTER 15, TITLE 39, IDAHO CODE, RELATING TO CARE OF BIOLOGICAL PRODUCTS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 15, Title 39, Idaho Code, be, and the same is hereby repealed.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 23, 2022

CHAPTER 185  
(H.B. No. 713)

AN ACT

RELATING TO INCOME TAXES; AMENDING SECTION 63-3026B, IDAHO CODE, TO REVISE PROVISIONS REGARDING STATE AND LOCAL TAXATION TREATMENT FOR AFFECTED BUSINESS ENTITIES; AND DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

SECTION 1. That Section 63-3026B, Idaho Code, be, and the same is hereby amended to read as follows:

63-3026B. AFFECTED BUSINESS ENTITIES -- STATE AND LOCAL TAXATION TREATMENT. (1) As used in this section:

(a) "Affected business entity" means any partnership or S corporation that elects to be subject to tax pursuant to this section.

(b) "Affected business entity income" means, in the case of an electing affected business entity, all items of income, gain, loss, or deduction derived from or connected with Idaho sources, except for that portion of such income, gain, loss, or deduction apportioned to an exempt entity that is a member of the affected business entity.

(c) "~~Direct member~~" means ~~a member that holds an interest directly in an affected business entity.~~

~~(d) "Indirect member" means a member that itself holds an interest, through a direct or indirect member that is a partnership or S corporation, in an affected business entity.~~ "Exempt entity" means an entity that is exempt from taxation under this chapter.

(d) "Individual" means an individual, a trust, or an estate.

(e) "Member" means:

(i) A shareholder of an S corporation, except for exempt entities;

(ii) A partner in a general partnership, a limited partnership, or a limited liability partnership, except for exempt entities; or

(iii) A member of a limited liability company that is treated as a partnership or an S corporation for federal income tax purposes, except for exempt entities.

(ef) "Partnership" has the meaning provided in section 63-3006B, Idaho Code. "Partnership" includes a limited liability company that is treated as a partnership for federal income tax purposes as described in section 63-3006A, Idaho Code.

(fg) "S corporation" means a corporation or limited liability company that is treated as an S corporation for federal income tax purposes.

(gh) "Taxable year" means the taxable year of a partnership or an S corporation for federal income tax purposes.

(2) (a) A partnership or an S corporation may elect in the manner set forth in this section to become an affected business entity required to pay the tax under this section in any taxable year. A separate election must be made for each taxable year.

(b) An election under this section must be made on a form and in the manner as the state tax commission prescribes by rule or instruction.

(c) An election under this section may be made for any taxable year by filing the election with a timely filed original return for such taxable year. An election will also be valid if made by an amended return for the taxable year filed before the original due date of the fifteenth day of the fourth month following the taxable year.

- (d) An election made under this section must be signed by:
- (i) Each member of the electing entity who is a member at the time the election is filed; or
  - (ii) Any officer, manager, or member of the electing entity who is authorized under local law or by the entity's organizational documents to make the election and who represents under penalty of perjury that he has such authorization.

(e) An affected business entity is required to pay the tax imposed by section 63-3082, Idaho Code, for each member that is not an Idaho resident.

(3) Each affected business entity that is a partnership or an S corporation transacting business in this state shall, on or before ~~April 15~~ the fifteenth day of the fourth month following the close of each taxable year, pay a tax in an amount determined as follows:

~~(a) Add the separately and nonseparately computed items as described in section 702(a) of the Internal Revenue Code for a partnership, or as described in section 1366 of the Internal Revenue Code for an S corporation, to the extent all of the affected business entity income derived from or connected with sources within this state, as determined under the provisions of sections 63-3026 and 63-3026A, Idaho Code~~ this chapter;

~~(b) Increase or decrease the sum from paragraph (a) of this subsection according to the modifications permitted or required under this chapter that relate to an item of the affected business entity's income, gain, loss, or deduction, to the extent derived from or connected with sources within this state, as determined under the provisions of sections 63-3026 and 63-3026A, Idaho Code for computing Idaho taxable income, to the extent they are attributable to members subject to tax under this chapter; and~~

~~(c) Multiply the result from paragraph (b) of this subsection by the tax rate applicable to corporations provided in section 63-3025, Idaho Code; and~~

~~(d) Apply any allowable credits earned by the affected business entity, adjusted by the recapture provisions of section 63-3029B, Idaho Code. All credits, including the allowable credits under this section from another affected business entity as adjusted for the recapture provisions of section 63-3029B, Idaho Code, shall flow through to the members as otherwise permitted under this chapter. Any unused credits that are allowed by law to be carried forward to succeeding taxable years may be claimed in succeeding taxable years for which the affected business entity elects to be subject to tax pursuant to this section. If the affected business entity does not make the election under this section in any succeeding taxable year, the unused credits will flow through to the members as otherwise permitted under this chapter.~~

(4) If the amount calculated under subsection (3) (b) of this section results in a net operating loss, such net operating loss may not be passed through to the members of the affected business entity that makes the election under this section but may be carried forward to succeeding taxable years for which the affected business entity elects to be subject to tax pursuant to this section until fully used. If the affected business entity does not make the election under this section in any succeeding taxable year, the unused net operating loss will flow through to the members as otherwise permitted under this chapter.



~~(5) If an affected business entity is a direct or indirect member of another affected business entity, the member affected business entity shall, when calculating its net income or loss pursuant to subsection (3) (b) of this section, subtract its distributive share of income or add its distributive share of loss from the affected business entity in which it is a direct or indirect member to the extent that the income or loss was derived from or connected with sources within this state.~~

~~(6) A nonresident individual who is a member is not required to file an income tax return under section 63-3030, Idaho Code, for any taxable year in which the only source of income derived from or connected with sources within the this state for such member, or the member and the member's spouse if a joint federal income tax return is or shall be filed, is from one (1) or more affected business entities and such affected business entity or entities file and pay the tax due under this section.~~

~~(76) Each partnership and S corporation shall report to each of its members, for each taxable year, such member's direct pro rata share of the tax imposed under this section on such partnership or S corporation if it is an affected business entity and its indirect pro rata share of the tax imposed on any affected business entity in which such affected business entity is a direct or indirect member. Such pro rata share of the tax shall be calculated by excluding the share of any member that is an exempt entity.~~

~~(87) (a) Each individual who is a member and is subject to tax under section 63-3024, Idaho Code, not an exempt entity is entitled to a credit against such tax. The credit will be in an amount equal to the individual's direct and indirect pro rata share of the tax paid under this section by any affected business entity of which the individual is a direct or indirect member. If the amount of the credit allowed pursuant to this paragraph exceeds the individual's tax liability for the tax imposed under this chapter, the individual will be paid a refund equal to the balance of the unused credit. Such pro rata share of the tax credit shall be calculated by excluding the share of any member that is an exempt entity.~~

~~(b) Each individual who is a member and is subject to the tax under section 63-3024, Idaho Code not an exempt entity, as a resident or a part-year resident of this state, is entitled to a credit against such tax for the individual's direct and indirect pro rata share of taxes paid to another state of the United States or the District of Columbia, on income of any partnership or S corporation of which the individual is a member that is derived therefrom, provided the taxes paid to another state of the United States or the District of Columbia results from a tax that the state tax commission determines is substantially similar to the tax imposed under this section. Any such credit will be calculated in the manner prescribed by the state tax commission and shall be consistent with the provisions of section 63-3029, Idaho Code. Such pro rata share of the tax credit shall be calculated by excluding the share of any member that is an exempt entity.~~

~~(98) Each corporation that is a member and is subject to the tax imposed under section 63-3025 or 63-3025A, Idaho Code, is entitled to a credit against such tax. The credit will be in an amount equal to the corporation's direct and indirect pro rata share of the tax paid under this section by any affected business entity of which the corporation is a member. Such credit will be applied after all other applicable credits have been applied. Any balance of the credit that is not used in the taxable year during which the corporation reports the net income from such affected business entities will be paid as a refund to the corporation. Such pro rata share of the tax credit shall be calculated by excluding the share of any member that is an exempt entity.~~

(9) Each affected business entity that is a member of another affected business entity and elects to be subject to the tax imposed under this section is entitled to a credit against such tax. The credit will be in an amount equal to the affected business entity's pro rata share of the tax paid under this section by any affected business entity of which the affected business entity is a member. Such credit will be applied after all other applicable credits have been applied. Any balance of the credit not used in the taxable year during which the affected business entity reports net income will be paid as a refund to the affected business entity. Such pro rata share of the tax credit shall be calculated by excluding the share of any member that is an exempt entity.

(10) Each pass-through entity, as defined in section 63-3006C, Idaho Code, that is a member of an affected business entity and does not elect to be subject to the tax imposed under this section is entitled to a credit. The credit will be in an amount equal to the pass-through entity's pro rata share of the tax paid under this section by any affected business entity of which the pass-through entity is a member. Such credit will be applied after all other applicable taxes and credits have been applied. Any balance of the credit not used in the taxable year will be paid as a refund to the pass-through entity.

(11) For trusts and estates that distribute their income to their beneficiaries to be reported by and taxed to said beneficiaries, the credit provided in subsection (7) (a) of this section shall be apportioned between the trust or estate and the beneficiaries in the same proportion as the income is allocated to and reported by the trust or estate and the beneficiaries.

(102) The penalty and interest provisions and the collection and enforcement procedures provided by sections 63-3038 through 63-3040, 63-3042 through 63-3065A, 63-3071, 63-3075, and 63-3078, Idaho Code, shall apply and be available to the state tax commission for enforcement of the provisions of this section and collection of any amounts due under this section. Said sections shall, for this purpose, be considered part of this section, and wherever liens or any other proceedings are defined as income tax liens or proceedings, they shall, when applied in enforcement or collection under this section, be described as affected business entity tax liens and proceedings.

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, 2021.

Approved March 23, 2022

CHAPTER 186  
(H.B. No. 714)

AN ACT

RELATING TO INCOME TAXES; AMENDING SECTION 63-30220, IDAHO CODE, TO REVISE PROVISIONS REGARDING TAXATION OF ADJUSTMENTS OF CERTAIN BONUS DEPRECIATION; AMENDING SECTION 2, CHAPTER 211, LAWS OF 2021, TO REVISE THE EFFECTIVE DATE; AMENDING CHAPTER 211, LAWS OF 2021, BY THE ADDITION OF A NEW SECTION 3, CHAPTER 211, LAWS OF 2021, TO PROVIDE FOR APPLICABILITY; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION; AND PROVIDING FOR APPLICABILITY.

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

SECTION 1. That Section 63-30220, Idaho Code, be, and the same is hereby amended to read as follows:

63-30220. ADJUSTMENT -- PROPERTY ACQUIRED AFTER SEPTEMBER 10, 2001 -- SMALL BUSINESS EXPENSES -- LIMITATIONS ON ASSESSMENTS AND REFUNDS. For taxable years commencing on and after January 1, 2001, in computing Idaho taxable income:

(1) (a) The adjusted basis of depreciable property, depreciation, and gains and losses from sale, exchange, or other disposition of depreciable property acquired after September 10, 2001, and before December 31, 2007, shall be computed without regard to the bonus depreciation available under subsection (k) of section 168 of the Internal Revenue Code and the adjusted basis of depreciable property, depreciation, and gains and losses from sale, exchange, or other disposition of depreciable property acquired after December 31, 2009, shall be computed without regard to subsection (k) of section 168 of the Internal Revenue Code, provided that to the extent a taxpayer cannot use the additional depreciation claimed under subsection (k) of section 168 of the Internal Revenue Code in the current year for federal income tax purposes because of loss limitations imposed by sections 465, 469, 704(d), and 1366(d) of the Internal Revenue Code, then such additional depreciation shall not be added back to federal taxable income in order to determine Idaho taxable income; and in the current year, and the current and subsequent year bonus depreciation adjustments shall be suspended and the add-back and subtractions shall be applied as provided in this subsection.

(b) In subsequent taxable years, the additional depreciation that was not added back to federal taxable income in the year it originated as provided in this subsection shall be added back when a prior loss that has been suspended under section 465, 469, 704(d), or 1366(d) of the Internal Revenue Code is deducted for federal income tax purposes in the following manner:

(i) Bonus depreciation deducted for federal income tax purposes shall be added back to Idaho taxable income as the losses suspended under sections 465, 469, 704(d), and 1366(d) of the Internal Revenue Code are utilized, after the utilization of all losses other than those attributable to bonus depreciation;

(ii) The amount of the bonus depreciation add-back shall be the full amount of the add-back less the cumulative allowable depreciation amounts for Idaho purposes. If, because of the limitations of sections 465, 469, 704(d), and 1366(d) of the Internal Revenue Code, there is a partial net add-back, then the net add-back amount for future periods will be adjusted to reflect the amount that was actually added back;

(iii) After the add-back or net add-back has been fully added back to Idaho taxable income, the taxpayer may take the remaining deductions over the life of the asset regardless of the limitations under sections 465, 469, 704(d), and 1366(d) of the Internal Revenue Code;

(iv) In the event of a disposition of a pass-through entity's ownership interest, adjustments shall be made to the tax basis of the owner's interest of the pass-through entity to ensure there is no double deduction of expense or double inclusion of income. The basis referred to in this subparagraph is the basis to the new owner in his ownership interest or the basis to the owner who disposed of this ownership interest, as applicable; and

(v) In the event of a disposition of a pass-through entity's assets for which bonus depreciation was elected before the add-back was fully realized, adjustments shall be made to ensure there is no double deduction of expense or double inclusion of income.

(c) For determining the Idaho adjusted income for part-year residents or nonresidents:

(i) When a loss under section 465, 469, 704(d), or 1366(d) of the Internal Revenue Code is deducted for federal purposes and is sourced to Idaho, the additional depreciation that was not added back in the year it originated as provided in paragraph (a) of this subsection shall be added back in subsequent years based on the apportionment factor in the year the bonus depreciation originated; and

(ii) When a loss under section 465, 469, 704(d), or 1366(d) of the Internal Revenue Code is not sourced to Idaho, the add-back of additional depreciation shall be made in the current taxable year, notwithstanding the provisions of paragraph (a) of this subsection.

(2) The loss limitations imposed by sections 465, 469, 704(d), and 1366(d) of the Internal Revenue Code shall be calculated without regard to depreciation claimed for federal tax purposes pursuant to subsection (k) of section 168 of the Internal Revenue Code; and.

(3) Each partner, shareholder, member, or beneficiary shall include in Idaho taxable income his share of the adjustments required by this section in computing Idaho taxable income of any pass-through entity; and.

(4) In recognition of the fact that a taxpayer affected by this section may have a different tax basis in his pass-through entity interest and a different carryover of loss limitations and amount at risk for Idaho tax purposes than for federal tax purposes, each partner, shareholder, member, or beneficiary of any pass-through entity that claims the additional depreciation pursuant to subsection (k) of section 168 of the Internal Revenue Code shall keep records of the Idaho tax basis of his interest in the pass-through entity, the amount at risk, and the balance of his carryover of Idaho loss limitations in order to confirm that the partner, shareholder, member, or beneficiary, or any successor of his interest by purchase or other means, does not receive directly or indirectly any Idaho income tax benefit from the additional depreciation available under subsection (k) of section 168 of the Internal Revenue Code.

(5) Notwithstanding the provisions of sections 63-3068 and 63-3072, Idaho Code, the period of limitations for issuing a notice of deficiency determination or filing a claim for refund for any year for which an adjustment is required by this section shall not expire before three (3) years from the later of: (a) the due date of the return for the last taxable year an adjustment was required by this section; or (b) the date the return was filed for the last taxable year an adjustment was required by this section. Upon the expiration of the period of limitations as provided in subsections (a) and (m) of section 63-3068, Idaho Code, and subsections (b) and (h) of section 63-3072, Idaho Code, only those specific items of basis, deductions, gains, or losses that are computed without regard to subsection (k) of section 168 of the Internal Revenue Code, as required by this section, shall be subject to adjustment, as well as the effect of such adjustments on Idaho credits, net operating loss deductions, and capital loss carryovers.

SECTION 2. That Section 2, Chapter 211, Laws of 2021, be, and the same is hereby amended to read as follows:

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, 2021 2016.

SECTION 3. That Chapter 211, Laws of 2021, be, and the same is hereby amended by the addition thereto of a **NEW SECTION**, to be known and designated as Section 3, Chapter 211, Laws of 2021, and to read as follows:

SECTION 3. APPLICATION. The provisions of this act shall apply retroactively to January 1, 2016, for any taxpayer who timely filed an original tax return in a manner consistent with this act. For any other taxpayer, the provisions of this act apply retroactively to January 1, 2021.

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 retroactively to January 1, 2016.

SECTION 5. APPLICATION. The provisions of this act shall apply retroactively to January 1, 2016, for any taxpayer who timely filed an original tax return in a manner consistent with this act. For any other taxpayer, the provisions of this act apply retroactively to January 1, 2021.

Approved March 24, 2022

CHAPTER 187  
(H.B. No. 722)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF INSURANCE FOR FISCAL YEAR 2023; APPROPRIATING MONEYS TO THE DEPARTMENT OF INSURANCE FOR FISCAL YEAR 2023; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. 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, 2022, through June 30, 2023:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
<b>I. INSURANCE REGULATION:</b>				
FROM:				
Insurance Administrative				
Fund	\$5,163,400	\$3,157,800	\$54,000	\$8,375,200
Federal Grant				
Fund	<u>315,300</u>	<u>398,100</u>	<u>0</u>	<u>713,400</u>
<b>TOTAL</b>	<b>\$5,478,700</b>	<b>\$3,555,900</b>	<b>\$54,000</b>	<b>\$9,088,600</b>
<b>II. STATE FIRE MARSHAL:</b>				
FROM:				
Arson, Fire and Fraud Prevention				
Fund	\$911,400	\$341,900		\$1,253,300
<b>GRAND TOTAL</b>	<b>\$6,390,100</b>	<b>\$3,897,800</b>	<b>\$54,000</b>	<b>\$10,341,900</b>

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Insurance is authorized no more than seventy-one and five-tenths (71.50) full-time equivalent positions at any point during the period July 1, 2022, through June 30, 2023, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 23, 2022

CHAPTER 188  
(H.B. No. 753)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF LABOR FOR FISCAL YEAR 2023; APPROPRIATING MONEYS TO THE DEPARTMENT OF LABOR FOR FISCAL YEAR 2023; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING AGENCY DIRECTION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. There is hereby appropriated to the Department of Labor the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2022, through June 30, 2023:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
<b>I. DETERMINATIONS:</b>					
<b>FROM:</b>					
<b>General</b>					
Fund	\$364,400	\$80,000			\$444,400
<b>Unemployment Penalty and Interest</b>					
Fund	2,377,200	1,184,400			3,561,600
<b>Employment Security Special Administration</b>					
Fund		1,000,000			1,000,000
<b>Miscellaneous Revenue</b>					
Fund	2,420,000	4,235,700		\$15,000	6,670,700
<b>Federal Grant</b>					
Fund	<u>24,582,300</u>	<u>6,903,500</u>	<u>\$794,200</u>	<u>2,000,000</u>	<u>34,280,000</u>
<b>TOTAL</b>	<b>\$29,743,900</b>	<b>\$13,403,600</b>	<b>\$794,200</b>	<b>\$2,015,000</b>	<b>\$45,956,700</b>

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
<b>II. WORKFORCE AND COMMISSIONS:</b>					
<b>FROM:</b>					
<b>General</b>					
Fund	\$5,400	\$2,500			\$7,900
<b>Unemployment Penalty and Interest</b>					
Fund	1,088,000	351,700	\$176,100		1,615,800
<b>Employment Security Special Administration</b>					
Fund	1,018,500	728,000			1,746,500
<b>Miscellaneous Revenue</b>					
Fund	245,300	204,600			449,900
<b>Federal Grant</b>					
Fund	<u>15,402,300</u>	<u>5,287,900</u>	<u>0</u>	<u>\$14,670,800</u>	<u>35,361,000</u>
<b>TOTAL</b>	<b>\$17,759,500</b>	<b>\$6,574,700</b>	<b>\$176,100</b>	<b>\$14,670,800</b>	<b>\$39,181,100</b>
<b>III. ADMINISTRATIVE SERVICES:</b>					
<b>FROM:</b>					
<b>General</b>					
Fund	\$85,000	\$30,000			\$115,000
<b>Unemployment Penalty and Interest</b>					
Fund	436,700	999,900			1,436,600
<b>Employment Security Special Administration</b>					
Fund	94,900	720,000			814,900
<b>Miscellaneous Revenue</b>					
Fund	194,800	50,000			244,800
<b>Federal Grant</b>					
Fund	<u>8,862,900</u>	<u>4,153,300</u>	<u>\$75,100</u>		<u>13,091,300</u>
<b>TOTAL</b>	<b>\$9,674,300</b>	<b>\$5,953,200</b>	<b>\$75,100</b>		<b>\$15,702,600</b>
<b>GRAND TOTAL</b>	<b>\$57,177,700</b>	<b>\$25,931,500</b>	<b>\$1,045,400</b>	<b>\$16,685,800</b>	<b>\$100,840,400</b>

**SECTION 2. FTP AUTHORIZATION.** In accordance with Section 67-3519, Idaho Code, the Department of Labor is authorized no more than seven hundred seven and fifty-eight hundredths (707.58) full-time equivalent positions at any point during the period July 1, 2022, through June 30, 2023, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

**SECTION 3. ASSESSMENT TEAM.** The Idaho Department of Labor shall apply for and make every effort to receive a grant from the United State Department of Labor to pay for an assessment team. The assessment team will be used to analyze Idaho's unemployment processes and procedures, and to identify areas needing enhancement or improvement.

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 23, 2022

CHAPTER 189  
(H.B. No. 763)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY; APPROPRIATING MONEYS TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR FISCAL YEAR 2023; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; APPROPRIATING AND TRANSFERRING MONEYS FROM THE WATER POLLUTION CONTROL FUND TO THE ENVIRONMENTAL REMEDIATION BASIN FUND FOR FISCAL YEAR 2023; PROVIDING REMEDIATION PROJECT REPORTING REQUIREMENTS; PROVIDING REQUIREMENTS FOR THE WATER POLLUTION CONTROL FUND; PROVIDING REQUIREMENTS FOR THE HAZARDOUS WASTE EMERGENCY FUND; APPROPRIATING AND TRANSFERRING MONEYS FROM THE DEPARTMENT OF ENVIRONMENTAL QUALITY GENERAL FUND TO THE AGRICULTURAL BEST MANAGEMENT PRACTICES FUND FOR FISCAL YEAR 2023; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE AGRICULTURAL BEST MANAGEMENT PRACTICES FUND FOR FISCAL YEAR 2022; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE CONFINED ANIMAL FEEDING OPERATIONS IMPROVEMENT FUND FOR FISCAL YEAR 2022; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE WATER POLLUTION CONTROL FUND FOR FISCAL YEAR 2022; PROVIDING REQUIREMENTS FOR THE USE OF THE ARPA STATE FISCAL RECOVERY FUND; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR THE ADMINISTRATION AND SUPPORT SERVICES AND WASTE MANAGEMENT AND REMEDIATION PROGRAMS FOR FISCAL YEAR 2022; PROVIDING REAPPROPRIATION AUTHORITY; 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 Environmental Quality the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2022, through June 30, 2023:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
<b>I. ADMINISTRATION AND SUPPORT SERVICES:</b>					
FROM:					
Department of Environmental Quality (General)					
Fund	\$2,822,100	\$1,605,400	\$1,219,400		\$5,646,900
Air Quality Permitting					
Fund	234,800	71,600	61,300		367,700
Public Water System Supervision					
Fund	294,600	56,500	46,800		397,900
Environmental Remediation (Box)					
Fund	10,300				10,300



	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
<b>Environmental Remediation (Basin)</b>					
Fund	14,600	14,400	12,400		41,400
<b>Department of Environmental Quality (Receipts)</b>					
Fund	267,200	87,800	73,300		428,300
<b>Idaho Underground Storage Tank Program</b>					
Fund	57,600	15,900	14,000		87,500
<b>IPDES Program</b>					
Fund	226,200	50,500	44,400		321,100
<b>Bunker Hill Trust</b>					
Fund	27,300	6,800	5,800		39,900
<b>Department of Environmental Quality (Federal)</b>					
Fund	1,511,100	1,085,500	938,600		3,535,200
<b>ARPA State Fiscal Recovery</b>					
Fund	<u>419,000</u>	<u>0</u>	<u>0</u>		<u>419,000</u>
TOTAL	\$5,884,800	\$2,994,400	\$2,416,000		\$11,295,200

**II. AIR QUALITY:****FROM:**

<b>Department of Environmental Quality (General)</b>					
Fund	\$4,297,700	\$210,600			\$4,508,300
<b>Air Quality Permitting</b>					
Fund	1,414,400	59,700		\$63,000	1,537,100
<b>Department of Environmental Quality (Receipts)</b>					
Fund	402,000	393,000		300,000	1,095,000
<b>Department of Environmental Quality (Federal)</b>					
Fund	<u>1,249,200</u>	<u>1,971,200</u>		<u>1,241,400</u>	<u>4,461,800</u>
TOTAL	\$7,363,300	\$2,634,500		\$1,604,400	\$11,602,200

**III. WATER QUALITY:****FROM:**

<b>Department of Environmental Quality (General)</b>					
Fund	\$8,464,800	\$1,692,900		\$967,500	\$11,125,200
<b>Public Water System Supervision</b>					
Fund	1,321,800	499,700			1,821,500
<b>Department of Environmental Quality (Receipts)</b>					
Fund	651,400	1,003,500		2,521,600	4,176,500
<b>IPDES Program</b>					
Fund	949,400	49,400			998,800
<b>Department of Environmental Quality (Federal)</b>					
Fund	5,251,500	1,440,000		2,333,200	9,024,700
<b>ARPA State Fiscal Recovery</b>					
Fund	<u>421,500</u>	<u>13,500</u>		<u>59,452,200</u>	<u>59,887,200</u>
TOTAL	\$17,060,400	\$4,699,000		\$65,274,500	\$87,033,900

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
<b>IV. COEUR D'ALENE BASIN COMMISSION:</b>					
<b>FROM:</b>					
Department of Environmental Quality (General)					
Fund	\$144,500	\$10,200			\$154,700
Environmental Remediation (Basin)					
Fund	74,800	15,500			90,300
Department of Environmental Quality (Federal)					
Fund	<u>16,000</u>	<u>0</u>		<u>\$50,000</u>	<u>66,000</u>
TOTAL	\$235,300	\$25,700		\$50,000	\$311,000
<b>V. WASTE MANAGEMENT AND REMEDIATION:</b>					
<b>FROM:</b>					
Department of Environmental Quality (General)					
Fund	\$2,972,400	\$152,700		\$94,600	\$3,219,700
Hazardous Waste Emergency					
Fund		200,000			200,000
Environmental Remediation (Box)					
Fund	272,600	76,600		150,500	499,700
Environmental Remediation (Basin)					
Fund	383,400	41,800		200,000	625,200
Department of Environmental Quality (Receipts)					
Fund	826,000	127,100		51,800	1,004,900
Idaho Underground Storage Tank Program					
Fund	263,100	25,000			288,100
Bunker Hill Trust					
Fund	109,100	2,957,000		300,000	3,366,100
Department of Environmental Quality (Federal)					
Fund	2,940,300	3,630,500		3,015,500	9,586,300
ARPA State Fiscal Recovery					
Fund	<u>994,000</u>	<u>8,432,800</u>		<u>4,000,000</u>	<u>13,426,800</u>
TOTAL	\$8,760,900	\$15,643,500		\$7,812,400	\$32,216,800
<b>VI. IDAHO NATIONAL LABORATORY OVERSIGHT:</b>					
<b>FROM:</b>					
Department of Environmental Quality (General)					
Fund	\$96,900	\$8,700			\$105,600
Department of Environmental Quality (Federal)					
Fund	<u>1,104,200</u>	<u>918,800</u>		<u>\$146,900</u>	<u>2,169,900</u>
TOTAL	\$1,201,100	\$927,500		\$146,900	\$2,275,500
GRAND TOTAL	\$40,505,800	\$26,924,600	\$2,416,000	\$74,888,200	\$144,734,600

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Environmental Quality is authorized no more than three hundred eighty-seven (387.00) full-time equivalent positions at any point during the period July 1, 2022, through June 30, 2023, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. CASH TRANSFER FOR WASTE REMEDIATION. There is hereby appropriated to the Department of Environmental Quality and the Office of the State Controller shall transfer \$1,500,000 from the Water Pollution Control Fund to the Environmental Remediation (Basin) Fund on July 1, 2022, or as soon thereafter as practicable for the period July 1, 2022, through June 30, 2023, to be used for Superfund cleanup projects in the Coeur d'Alene Basin.

SECTION 4. REMEDIATION PROJECT REPORTING REQUIREMENTS. Moneys deposited into the Environmental Remediation (Basin) Fund shall be used for remediation of the Coeur d'Alene Basin in accordance with the Superfund contract with the Environmental Protection Agency. The Department of Environmental Quality shall submit an annual report to the Governor, the Legislature, and the Coeur d'Alene Basin Environmental Improvement Project Commission on the remediation progress and the expenditures involved.

SECTION 5. USES OF THE WATER POLLUTION CONTROL FUND. The appropriation of moneys from the Water Pollution Control Fund in this act shall specifically supersede the provisions of Section 39-3630, Idaho Code.

SECTION 6. USES OF THE HAZARDOUS WASTE EMERGENCY FUND. The appropriation of moneys from the Hazardous Waste Emergency Fund in this act shall specifically supersede the provisions of Section 39-4417, Idaho Code.

SECTION 7. CASH TRANSFER FOR AGRICULTURAL BEST MANAGEMENT PRACTICES FROM THE DEPARTMENT OF ENVIRONMENTAL QUALITY GENERAL FUND. Of the amount appropriated in Section 1 of this act, there is hereby appropriated and the Office of the State Controller shall transfer \$279,000 from the Department of Environmental Quality (General) Fund to the Agricultural Best Management Practices (BMP) Fund on July 1, 2022, or as soon thereafter as practicable for the period July 1, 2022, through June 30, 2023.

SECTION 8. CASH TRANSFER FOR AGRICULTURAL BEST MANAGEMENT PRACTICES FROM THE GENERAL FUND. There is hereby appropriated and the Office of the State Controller shall transfer \$5,000,000 from the General Fund to the Agricultural Best Management Practices (BMP) Fund as soon as practicable for the period July 1, 2021, through June 30, 2022.

SECTION 9. CASH TRANSFER FOR CONFINED ANIMAL FEEDING OPERATIONS IMPROVEMENTS FROM THE GENERAL FUND. There is hereby appropriated and the Office of the State Controller shall transfer \$5,000,000 from the General Fund to the Confined Animal Feeding Operations (CAFO) Improvement Fund as soon as practicable for the period July 1, 2021, through June 30, 2022.

SECTION 10. CASH TRANSFER FOR WATER POLLUTION CONTROL FROM THE GENERAL FUND. There is hereby appropriated to the Department of Environmental Quality and the Office of the State Controller shall transfer \$44,000,000 from the General Fund to the Water Pollution Control Fund as soon as practicable for the period July 1, 2021, through June 30, 2022, to be used for the state match for federal water infrastructure grants.

SECTION 11. USES OF ARPA STATE FISCAL RECOVERY FUND. It is the intent of the Legislature to provide approximately \$300,000,000 of the American Rescue Plan Act (ARPA) funding to support construction of drinking water and wastewater projects. Moneys shall be appropriated from the ARPA State Fiscal Recovery Fund for this purpose. The Department of Environmental Quality (DEQ) may use the ARPA State Fiscal Recovery Fund to fund all eligible planning grant requests received consistent with existing processes. DEQ shall provide ARPA funding in the form of grants for construction of drinking water and wastewater projects using a tiered approach that provides the highest level of grant funding to systems with the greatest level of need but least ability to pay, as determined by factors including size of system (smaller systems rank higher), monthly user rates, median income, and readiness to proceed. DEQ may consider all projects meeting the intended criteria where costs were incurred after March 3, 2021, and where construction will be completed prior to December 31, 2026. This includes funding cost overruns for existing state revolving loan-funded projects currently under construction if they are due to factors such as increased labor and material costs. DEQ shall provide a written update of recipients to germane legislative committees upon approval by the Board of Environmental Quality. DEQ shall submit a report to the Governor and the Legislature detailing progress and expenditures by January 6, 2023.

SECTION 12. In addition to the appropriation made in Section 1, Chapter 228, Laws of 2021, and any other appropriation provided by law, there is hereby appropriated to the Department of Environmental Quality the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2021, through June 30, 2022, for the purpose of remediation at the Triumph Mine:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
I. ADMINISTRATION AND SUPPORT SERVICES:			
FROM:			
ARPA State Fiscal Recovery			
Fund	\$30,400		\$30,400
II. WASTE MANAGEMENT AND REMEDIATION:			
FROM:			
ARPA State Fiscal Recovery			
Fund	\$98,000	\$1,323,800	\$1,421,800
GRAND TOTAL	\$128,400	\$1,323,800	\$1,452,200

SECTION 13. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Department of Environmental Quality any unexpended and unencumbered balances appropriated to the Department of Environmental Quality from the ARPA State Fiscal Recovery Fund for Triumph Mine remediation for fiscal year 2022 in an amount not to exceed \$1,452,200 from the ARPA State Fiscal Recovery Fund, to be used for nonrecurring expenditures related to the Triumph Mine for the period July 1, 2022, through June 30, 2023. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 14. 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 23, 2022

CHAPTER 190  
(H.B. No. 764)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR FISCAL YEAR 2023; APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE WELFARE DIVISION FOR FISCAL YEAR 2023; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING FOR GENERAL FUND TRANSFERS TO THE COOPERATIVE WELFARE FUND; PROHIBITING TRANSFERS FOR TRUSTEE AND BENEFIT PAYMENTS; PROVIDING REQUIREMENTS FOR PROGRAM INTEGRITY; PROVIDING GUIDELINES FOR COMMUNITY PARTNER GRANTS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. There is hereby appropriated to the Department of 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, 2022, through June 30, 2023:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
<b>I. SELF-RELIANCE OPERATIONS:</b>				
FROM:				
Cooperative Welfare (General)				
Fund	\$16,599,500	\$5,687,400		\$22,286,900
Cooperative Welfare (Dedicated)				
Fund	814,300	3,539,000		4,353,300
Cooperative Welfare (Federal)				
Fund	<u>28,846,900</u>	<u>19,153,400</u>		<u>48,000,300</u>
TOTAL	\$46,260,700	\$28,379,800		\$74,640,500
<b>II. BENEFIT PAYMENTS:</b>				
FROM:				
Cooperative Welfare (General)				
Fund			\$22,329,100	\$22,329,100
Cooperative Welfare (Dedicated)				
Fund			500,000	500,000
Cooperative Welfare (Federal)				
Fund			<u>193,142,200</u>	<u>193,142,200</u>
TOTAL			\$215,971,300	\$215,971,300
GRAND TOTAL	\$46,260,700	\$28,379,800	\$215,971,300	\$290,611,800

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Welfare Division of the Department of Health and Welfare is authorized no more than six hundred thirteen and five-tenths (613.50) full-time equivalent positions at any point during the period July 1, 2022, through June 30, 2023, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. GENERAL FUND TRANSFERS. As appropriated, the Office of the State Controller shall periodically make transfers from the General Fund to the Cooperative Welfare Fund 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 appropriated in the trustee and benefit payments expense class shall not be transferred to any other expense classes during fiscal year 2023.

SECTION 5. PROGRAM INTEGRITY. Notwithstanding any other provision of law to the contrary, 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. GUIDELINES FOR COMMUNITY PARTNER GRANTS. Of the moneys appropriated in Section 1 of this act, \$36,000,000 shall be used for community partner grants to address COVID-19 pandemic impacts on school-aged children, including learning loss. Community provider grants shall be used only for in-person educational and enrichment activities that focus on student needs and for providing behavioral health supports to address student needs. Grants shall be used for serving school-aged participants ages 5 through 13 years, as allowable by federal guidance. The Department of Health and Welfare shall require grant applications from community providers that are in compliance with grant guidelines. Priority will be given to grant applicants that include professional staff to provide services directly to participants. Grant amounts shall be: up to \$500,000 for community providers who have a statewide presence; up to \$250,000 for community providers who have a regional presence in one part of the state; and up to \$20,000 for community providers with a local presence. Grants shall be released no later than July 6, 2022, for summer 2022 grants; September 1, 2022, for fall 2022 grants; January 1, 2023, for spring 2023 grants; and May 1, 2023, for summer 2023 grants. All spending for this purpose shall conclude by June 30, 2023.

SECTION 7. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 23, 2022

CHAPTER 191  
(S.B. No. 1285, As Amended)

AN ACT

RELATING TO TOBACCO PRODUCTS AND ELECTRONIC SMOKING DEVICES; AMENDING SECTION 39-5713, IDAHO CODE, TO PROHIBIT CERTAIN LOCAL REGULATION AND TAXES; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 39-5713, Idaho Code, be, and the same is hereby amended to read as follows:

39-5713. LOCAL ORDINANCES PROHIBITED. Nothing in this chapter shall be construed to prohibit local units of government from passing ordinances which are more stringent than the provisions of this chapter. Provided however, local units of government shall not have the power to require a permit or license for the sale or distribution of tobacco products or electronic cigarettes. No local unit of government may adopt or enforce requirements for the regulation, marketing, or sale of tobacco products or electronic smoking devices that are more restrictive than or in addition to this chapter. No local unit of government may impose or enforce a tax or fee on tobacco products or electronic smoking devices. This section shall not be construed to prevent a local unit of government from regulating the use of tobacco products or electronic smoking devices in any public place pursuant to section 39-5511, Idaho Code, or in any other public outdoor area. Nothing in this section shall preclude or preempt any local, county, or municipal government from exercising its lawful authority to regulate zoning or land use.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 23, 2022

CHAPTER 192  
(S.B. No. 1291, As Amended)

AN ACT

RELATING TO PUBLIC CHARTER SCHOOLS; AMENDING SECTION 33-5206, IDAHO CODE, TO PROVIDE FOR CERTAIN ALTERNATIVE CERTIFICATION METHODS FOR TEACHERS; AMENDING SECTION 33-5209C, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 33-5210, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 33-5206, Idaho Code, be, and the same is hereby amended to read as follows:

33-5206. REQUIREMENTS AND PROHIBITIONS OF A PUBLIC CHARTER SCHOOL. (1) In addition to any other requirements imposed in this chapter, a public charter school shall be nonsectarian in its programs, affiliations, admission policies, employment practices, and all other operations, shall not charge tuition, levy taxes or issue bonds, and shall not discriminate against any student on any basis prohibited by the federal or state constitution or any federal, state or local law. Public charter schools shall comply with the federal individuals with disabilities education act. Admission to a public charter school shall not be determined according to the place of residence of the student, or of the student's parent or guardian within the district, except that a new replication or conversion public charter school established under the provisions of this chapter shall adopt and maintain a policy giving admission preference to students who reside within the contiguous and compact primary attendance area of that public charter school.

(2) No board of trustees shall require any employee of the school district to be involuntarily assigned to work in a public charter school.

(3) Certified teachers in a public charter school shall be considered public school teachers. Educational experience shall accrue for service in a public charter school and such experience shall be counted by any school district for any teacher who has been employed in a public charter school. The staff of the public charter school shall be considered a separate unit for the purposes of collective bargaining.

(4) Employment of charter school teachers and administrators shall be on written contract conditioned upon a valid certificate being held by such professional personnel at the time of entering upon the duties thereunder.

(5) Administrators may be certified pursuant to the requirements set forth in chapter 12, title 33, Idaho Code, pertaining to traditional public schools, or may hold a charter school administrator certificate. An applicant is eligible for a charter school administrator certificate if the applicant:

- (a) Holds a bachelor's degree from an accredited four (4) year institution;
- (b) Submits to a criminal history check as described in section 33-130, Idaho Code;
- (c) Completes a course consisting of a minimum of three (3) semester credits in the statewide framework for teacher evaluations, which shall include a laboratory component;
- (d) Submits a letter from a charter school board of directors stating that the board of directors has carefully considered the applicant's candidacy, has chosen to hire the applicant, and is committed to overseeing the applicant's performance; and
- (e) Has one (1) or more of the following:
  - (i) Five (5) or more years of experience administering a public charter school;
  - (ii) A post-baccalaureate degree and a minimum of five (5) years of experience in school administration, public administration, business administration, or military administration;
  - (iii) Successful completion of a nationally recognized charter school leaders fellowship; or
  - (iv) Five (5) or more years of teaching experience and a commitment from an administrator at a charter school in academic, operational, and financial good standing according to its authorizer's most recent review to mentor the applicant for a minimum of one (1) year.



A charter school administrator certificate shall be valid for five (5) years and renewable thereafter. Administrators shall be subject to oversight by the professional standards commission. Certificates may be revoked pursuant to the provisions of section 33-1208, Idaho Code. Issuance of a certificate to any applicant may be refused for such reason as would have constituted grounds for revocation.

(6) Charter school teachers may be certified pursuant to the requirements set forth in chapter 12, title 33, Idaho Code, pertaining to traditional public school districts, or may hold a charter school-specific teaching certificate. A charter school-specific teaching certificate shall be valid only for teachers teaching at a public charter school.

(a) Criteria for a charter school-specific teaching certificate shall be in writing and require that teachers satisfy the provisions set forth in section 33-1202 1., 3., and 4., Idaho Code, and meet the following minimum educational or professional qualifications:

(i) Hold a bachelor's degree from an accredited institution; or

(ii) If instructing students in the fields of career technical education, satisfy the provisions of section 33-2205(6) (a), Idaho Code.

(b) Teachers with a charter school-specific teaching certificate shall receive mentoring and professional development as approved by the charter school board of directors. The charter school board of directors may impose additional requirements.

(c) The state board of education shall issue charter school-specific teaching certificates to teachers upon recommendation of the individual charter school, unless denied on the grounds set forth in section 33-1208, Idaho Code.

(d) Charter school-specific teaching certificates shall not be transferable to a traditional public school district, but may be transferable to another public charter school at the election of the subsequent public charter school.

(e) For teachers holding a charter school-specific teaching certificate, a charter school may substitute its own ongoing education and professional development requirements in place of those set forth in rule by the state board of education if the same number of credit hours is required as that of teachers holding a standard instructional certificate.

(57) No board of trustees shall require any student enrolled in the school district to attend a public charter school.

(68) Authorized chartering entities may establish reasonable pre-opening requirements or conditions to monitor the start-up progress of newly approved public charter schools and ensure that they are prepared to open smoothly on the date agreed, and to ensure that each school meets all building, health, safety, insurance and other legal requirements for school opening.

(79) Each public charter school shall annually submit the audit of its fiscal operations to the authorized chartering entity.

(810) A public charter school or the authorized chartering entity may enter into negotiations to revise a charter or performance certificate at any time. If a public charter school petitions to revise its charter or performance certificate, the authorized chartering entity's review of the revised petition shall be limited in scope solely to the proposed revisions. Except for public charter schools authorized by a school district board of trustees, when a non-virtual public charter school submits a proposed charter revision to its authorized chartering entity and such revision includes a proposal to increase such public charter school's approved student enrollment cap by ten percent (10%) or more, the authorized chartering entity shall hold a public hearing on such petition. The authorized chartering entity shall provide the board of the local school district in

which the public charter school is physically located notice in writing of such hearing no later than thirty (30) days prior to the hearing. The public hearing shall include any oral or written comments that an authorized representative of the school district in which the public charter school is physically located may provide regarding the impact of the proposed charter revision upon the school district. Such public hearing shall also include any oral or written comments that any petitioner may provide regarding the impact of the proposed charter revision upon such school district.

(911) When a charter is nonrenewed pursuant to the provisions of section 33-5209B, Idaho Code, revoked pursuant to section 33-5209C, Idaho Code, or the board of directors of the public charter school terminates the charter, the assets of the public charter school remaining after all debts of the public charter school have been satisfied must be returned to the authorized chartering entity for distribution in accordance with applicable law.

(102) Public charter schools may contract with educational services providers subject to the following provisions:

(a) Educational services providers, whether for-profit or nonprofit, shall be third-party entities separate from the public charter schools with which they contract. Educational services providers shall not be considered governmental entities.

(b) No more than one-third (1/3) of the public charter school's board membership may be comprised of nonprofit educational services provider representatives. Nonprofit educational services provider representatives may not be employees of the public charter school or the educational services provider and may not hold office as president or treasurer on the public charter school's board. For-profit educational services providers may not have representatives on the public charter school's board of directors.

(c) Public charter school board of director members shall annually disclose any existing and potential conflicts of interest, pecuniary or otherwise, with affiliated educational services providers.

(d) Charter holders shall retain responsibility for academic, fiscal and organizational operations and outcomes of the school and may not relinquish this responsibility to any other entity.

(e) Contracts must ensure that school boards retain the right to terminate the contract for failure to meet defined performance standards.

(f) Contracts must ensure that assets purchased by educational services providers on behalf of the school, using public funds, shall remain assets of the school. The provisions of this paragraph shall not prevent educational services providers from acquiring assets using revenue acquired through management fees.

(g) Charter holders shall consult legal counsel independent of the party with whom they are contracting for purposes of reviewing the school's management contract and facility lease or purchase agreements to ensure compliance with applicable state and federal law, including requirements that state entities not enter into contracts that obligate them beyond the terms of any appropriation of funds by the state legislature.

(h) Charter holders must ensure that their facility contracts are separate from any and all management contracts.

(i) Prior to approval of the charter petition indicating the school board's intention to contract with an educational services provider, authorized chartering entities shall conduct a thorough evaluation of the academic, financial and organizational outcomes of other schools that have contracted with the educational services provider and evidence of the educational services provider's capacity to successfully grow the public charter school while maintaining quality management and instruction in existing schools.

(113) Admission procedures, including provision for overenrollment, shall provide that the initial admission procedures for a new public charter school or replication public charter school will be determined by lottery or other random method, except as otherwise provided herein.

(a) If initial capacity is insufficient to enroll all pupils who submit a timely application, then the admission procedures may provide that preference shall be given in the following order: first, to children of founders, provided that this admission preference shall be limited to not more than ten percent (10%) of the capacity of the public charter school; second, to siblings of pupils already selected by the lottery or other random method; third, to pupils seeking to transfer from another Idaho public charter school at which they have been enrolled for at least one (1) year, provided that this admission preference shall be subject to an existing written agreement for such preference between the subject charter schools; fourth, to students residing within the primary attendance area of the public charter school; and fifth, by an equitable selection process such as a lottery or other random method. If so stated in its petition, a public charter school may weight the school's lottery to preference admission for the following educationally disadvantaged students: students living at or below one hundred eighty-five percent (185%) of the federal poverty level, students who are homeless or in foster care, children with disabilities as defined in section 33-2001, Idaho Code, students with limited English proficiency, and students who are at-risk as defined in section 33-1001, Idaho Code. If so stated in its petition, a new public charter school or replication public charter school may include the children of full-time employees of the public charter school within the first priority group subject to the limitations therein. Otherwise, such children shall be included in the highest priority group for which they would otherwise be eligible.

(b) If capacity is insufficient to enroll all pupils who submit a timely application for subsequent school terms, then the admission procedures may provide that preference shall be given in the following order: first, to pupils returning to the public charter school in the second or any subsequent year of its operation; second, to children of founders, provided that this admission preference shall be limited to not more than ten percent (10%) of the capacity of the public charter school; third, to siblings of pupils already enrolled in the public charter school; fourth, to pupils seeking to transfer from another Idaho public charter school at which they have been enrolled for at least one (1) year, provided that this admission preference shall be subject to an existing written agreement for such preference between the subject charter schools; fifth, to students residing within the primary attendance area of the public charter school; and sixth, by an equitable selection process such as a lottery or other random method. There shall be no carryover from year to year of the list maintained to fill vacancies. A new lottery shall be conducted each year to fill vacancies that become available. If so stated in its petition, a public charter school may weight the school's lottery to preference admission for the following educationally disadvantaged students: students living at or below one hundred eighty-five percent (185%) of the federal poverty level, students who are homeless or in foster care, children with disabilities as defined in section 33-2001, Idaho Code, students with limited English proficiency, and students who are at-risk as defined in section 33-1001, Idaho Code. If so stated in its petition, a public charter school may include the following children within the second priority group subject to the limitations therein:

(i) The children of full-time employees of the public charter school; and

(ii) Children who attended the public charter school within the previous three (3) school years, but who withdrew as a result of the relocation of a parent or guardian due to an academic sabbatical, employer or military transfer or reassignment.

(c) Each public charter school shall establish a process under which a child may apply for enrollment or register for courses, regardless of where such child resides at the time of application or registration, if the child is a dependent of a member of the United States armed forces who has received transfer orders to a location in Idaho and will, upon such transfer, reside in an area served by the public charter school. If capacity is insufficient as described in paragraph (a) or (b) of this subsection, a child described in this paragraph shall be treated as a student residing within the primary attendance area of the public charter school for purposes of preference.

Otherwise, such children shall be included in the highest priority group for which they would otherwise be eligible.

(124) Public charter schools shall comply with section 33-119, Idaho Code, as it applies to secondary school accreditation.

(135) Public charter school students shall be tested with the same standardized tests as other Idaho public school students.

SECTION 2. That Section 33-5209C, Idaho Code, be, and the same is hereby amended to read as follows:

33-5209C. ENFORCEMENT -- REVOCATION -- APPEAL. (1) An authorized chartering entity shall continually monitor the performance and legal compliance of the public charter schools it oversees, including collecting and analyzing data to support ongoing evaluation according to the performance certificate. Every authorized chartering entity shall have the authority to conduct or require oversight activities that enable the authorized chartering entity to fulfill its responsibilities pursuant to the provisions of this chapter, including conducting appropriate inquiries and investigations, as long as those activities are consistent with the intent of this chapter, adhere to the terms of the performance certificate and do not unduly inhibit the autonomy granted to public charter schools.

(2) Each authorized chartering entity shall annually publish and make available to the public a performance report for each public charter school it oversees, in accordance with the performance framework set forth in the performance certificate and section 33-5209A, Idaho Code. The authorized chartering entity may require each public charter school it oversees to submit an annual report to assist the authorized chartering entity in gathering complete information about each school consistent with the performance framework. Each public charter school shall publish its annual performance report on the school's website.

(3) If an authorized chartering entity has reason to believe that a public charter school cannot remain fiscally sound for the remainder of its certificate term, it shall provide the state department of education with written notification of such concern. Upon receiving such notification, the state department of education shall have the authority to modify the percentage of the total appropriation to be paid to the public charter school pursuant to the provisions of section 33-1009(1), Idaho Code, such that equal percentages are paid on each of the prescribed dates. If documents filed with an authorized chartering entity pursuant to section 33-5206(79), Idaho Code, establish that a public charter school that is not a virtual school and that has been open for more than two (2) years had less than fifteen (15) days' worth of cash on hand on June 30 of the current calendar year, then by November 30 of that year the authorized chartering entity shall

notify the school that the school has until June 30 of the subsequent year to cure the deficiency. If on June 30 of the subsequent year the school again has less than fifteen (15) days' worth of cash on hand, then by November 30 of that year the authorized chartering entity shall begin revocation proceedings pursuant to subsection (7) of this section.

(4) If an authorized chartering entity has reason to believe that a charter holder or public charter school has violated any provision of law, it shall notify the charter holder and the entity responsible for administering said law of the possible violation.

(5) If an authorized chartering entity revokes or does not renew a charter, the authorized chartering entity shall clearly state, in a resolution of its governing board, the reasons for the revocation or nonrenewal.

(6) Within fourteen (14) days of taking action to renew, not renew or revoke a charter, the authorized chartering entity shall report to the state board of education the action taken and shall provide a copy of the report to the charter holder at the same time that the report is submitted to the state board of education. The report shall include a copy of the authorized chartering entity's resolution setting forth the action taken and reasons for the decision and assurances as to compliance with all of the requirements set forth in this chapter.

(7) A charter may be revoked by the authorized chartering entity if the public charter school has failed to meet any of the specific, written conditions for necessary improvements established pursuant to the provisions of section 33-5209B(1), Idaho Code, or has failed to cure the fifteen (15) days' worth of cash on hand deficiency pursuant to subsection (3) of this section, by the dates specified. Revocation may not occur until the charter holder has been afforded a public hearing, unless the authorized chartering entity determines that the continued operation of the public charter school presents an imminent public safety issue, in which case the charter may be revoked immediately. Public hearings shall be conducted by the authorized chartering entity or such other person or persons appointed by the authorized chartering entity to conduct public hearings and receive evidence as a contested case in accordance with the provisions of section 67-5242, Idaho Code. Notice and opportunity to reply shall include, at a minimum, written notice setting out the basis for consideration of revocation, a period of not less than thirty (30) days within which the charter holder can reply in writing, and a public hearing within thirty (30) days of the receipt of the written reply.

(8) A decision to revoke or nonrenew a charter or to deny a revision of a charter may be appealed directly to the state board of education. With respect to such appeal, the state board of education shall substantially follow the procedure as provided in section 33-5207(5)(b), Idaho Code. In the event the state board of education reverses a decision of revocation or nonrenewal, the charter holder subject to such action shall then be placed under the chartering authority of the public charter school commission.

SECTION 3. That Section 33-5210, Idaho Code, be, and the same is hereby amended to read as follows:

33-5210. APPLICATION OF SCHOOL LAW -- ACCOUNTABILITY -- EXEMPTION FROM STATE RULES. (1) All public charter schools are under the general supervision of the state board of education.

(2) Every authorized chartering entity that approves a charter shall be responsible for ensuring that each public charter school program approved by that authorized chartering entity meets the terms of the charter, complies with the general education laws of the state unless specifically directed otherwise in this chapter, and operates in accordance with the state educational standards of thoroughness pursuant to section 33-1612, Idaho Code.

(3) Each public charter school shall comply with the financial reporting requirements of section 33-701, subsections 5. through 10., Idaho Code, in the same manner as those requirements are imposed upon school districts and with laws governing safety including, but not limited to, sections 33-122 and 33-130, Idaho Code, and chapter 2, title 33, Idaho Code, and rules promulgated thereunder.

(4) Other than as specified in this section, each public charter school is exempt from rules governing school districts, which rules have been promulgated by the state board of education, with the exception of state rules relating to:

- (a) Teacher certification as necessitated by the provisions of section 33-5206(3) and (4), Idaho Code;
- (b) Accreditation of the school as necessitated by the provisions of section 33-5206(~~1214~~), Idaho Code;
- (c) Qualifications of a student for attendance at an alternative school as necessitated by the provisions of section 33-5208(3), Idaho Code;
- (d) Rules promulgated pursuant to section 33-1612, Idaho Code; and
- (e) All rules that specifically pertain to public charter schools promulgated by the state board of education.

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 23, 2022

CHAPTER 193  
(S.B. No. 1298, As Amended)

AN ACT

RELATING TO THE CONSUMER PROTECTION ACT; AMENDING CHAPTER 6, TITLE 48, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 48-603G, IDAHO CODE, TO PROVIDE FOR CONSUMER PROTECTION FROM UNFAIR OR DECEPTIVE TRADE PRACTICES WITH RESPECT TO THE CANCELLATION OF SUBSCRIPTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 6, Title 48, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 48-603G, Idaho Code, and to read as follows:

48-603G. CANCELLATION OF SUBSCRIPTIONS. (1) For purposes of this section, unless the context otherwise requires:

- (a) "Automatic subscription renewal" means an agreement entered into via the internet to provide goods or services to an Idaho consumer for a specified time and price that is automatically renewed at the end of a definite term for a subsequent term unless the consumer cancels the agreement.
- (b) "Extended automatic subscription renewal" means an automatic subscription renewal entered into via the internet with a specified subscription term in which the subscription automatically renews for a specified term of twelve (12) months or more unless the consumer cancels the subscription.

(c) "Seller" means a person who sells, leases, or offers to sell or lease automatic subscription renewals or extended automatic subscription renewals but does not include an entity providing only a host platform on a website.

(2) A seller may not make an automatic subscription renewal offer to a consumer in this state unless the seller clearly and conspicuously discloses:

(a) The automatic subscription renewal terms; and

(b) The methods that the consumer may use to cancel the subscription.

(3) The seller shall provide methods of automatic subscription renewal cancellation that include free online cancellation of the subscription and cancellation in the same manner that the consumer used to subscribe. If a phone number is provided for the purposes of cancellation of the subscription, the number must be toll-free and must be prominently displayed in the disclosure.

(4) A seller shall not make an extended automatic subscription renewal offer to a consumer in this state unless the seller notifies the consumer of the automatic renewal. Notice must be provided to the consumer at least thirty (30) days and no more than sixty (60) days in advance of the date of the delivery or provision of goods or services. The seller must provide for the same methods of cancellation as provided for in subsection (3) of this section. The notice must clearly and conspicuously:

(a) Describe the goods or services to be delivered;

(b) State the price;

(c) Inform the consumer that the goods or services will be provided unless the consumer informs the seller that the goods or services are not wanted; and

(d) Provide the consumer with at least two (2) methods of cancellation, including at least one (1) that shall be provided at no cost to the consumer.

(5) A violation of this section shall constitute a violation of the Idaho consumer protection act.

(6) This section applies only to an agreement entered into or renewed on and after January 1, 2023, under which a seller makes an automatic subscription renewal or extended automatic subscription renewal offer to a consumer in this state.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after January 1, 2023.

Approved March 23, 2022

CHAPTER 194  
(S.B. No. 1330, As Amended)

AN ACT

RELATING TO NATUROPATHIC DOCTOR LICENSING AND NATUROPATH REGISTRATION; AMENDING TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 59, TITLE 54, IDAHO CODE, TO DECLARE POLICY, TO DEFINE TERMS, TO PROVIDE FOR THE CREATION OF A BOARD OF NATUROPATHIC HEALTH CARE, TO PROVIDE FOR BOARD DUTIES AND POWERS, TO PROVIDE FOR VOLUNTARY NATUROPATHIC DOCTOR LICENSURE, TO ESTABLISH A SCOPE OF PRACTICE, TO PROVIDE FOR CERTAIN PRESCRIPTIVE RIGHTS, TO PROVIDE FOR REGISTRATION, TO PROVIDE FOR ISSUANCE AND REVOCATION OF LICENSES AND REGISTRATIONS, TO PROVIDE CERTAIN IMMUNITY, TO PROVIDE FOR PUBLIC HEALTH LAWS, AND TO ESTABLISH A FORMULARY COMMITTEE; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Title 54, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 59, Title 54, Idaho Code, and to read as follows:

CHAPTER 59  
NATUROPATHIC DOCTOR LICENSING AND NATUROPATH REGISTRATION

54-5901. DECLARATION OF POLICY. (1) The legislature finds and declares that the licensing of naturopathic doctors and the registration of lay naturopaths will improve access to natural health care for Idahoans and promote the health of all Idahoans, including the underserved population. The licensing of naturopathic doctors and registration of lay naturopaths will promote the public health interest by aiding in the delivery of naturopathic medical services of high quality to the people of Idaho. To fulfill these purposes, this chapter provides for the optional licensure of naturopathic doctors as well as for the optional registration of laypersons who are naturopaths.

(2) This chapter shall not restrict unlicensed practice lawfully provided pursuant to section 54-1804(1)(1), Idaho Code.

54-5902. DEFINITIONS. As used in this chapter:

(1) "Board" means the Idaho board of naturopathic health care.  
(2) "License" means a license to practice as a licensed naturopathic doctor.

(3) "Licensed naturopathic doctor" means an individual licensed as a medical doctor, doctor of osteopathy, doctor of podiatric medicine, doctor of chiropractic, doctor of dental medicine, or doctor of nursing practice who has obtained an approved naturopathic doctoral degree, as set forth in rule, and who voluntarily elects to seek and receives licensure under this chapter to practice naturopathic health care in Idaho.

(4) "Minor procedure" means the use of operative, electrical, or other methods for repair and care incidental to superficial lacerations, abrasions, superficial lesions, the removal of foreign bodies located in the superficial tissues, and the use of antiseptics and local topical anesthetics in connection with such methods.

(5) "Naturopathic health care" means the delivery of a distinct primary health care emphasizing prevention, treatment, and optimal health using therapeutic methods and substances that encourage an individual's inherent self-healing process by a naturopathic practitioner.



54-5903. BOARD OF NATUROPATHIC HEALTH CARE CREATED -- MEMBER APPOINTMENT -- TERMS. (1) The Idaho board of naturopathic health care is hereby created in the division of occupational and professional licenses. The board shall consist of five (5) members.

(a) For the initial board:

- (i) One (1) member shall be a public member;
- (ii) One (1) member shall be either a doctor of osteopathy or a doctor of medicine who is not licensed under this chapter but who is licensed pursuant to chapter 18, title 54, Idaho Code;
- (iii) Two (2) members shall be eligible for licensure under this chapter; and
- (iv) One (1) member shall be eligible for registration as a naturopath under this chapter.

(b) After the initial board:

- (i) One (1) member shall be a public member;
- (ii) One (1) member shall be either a doctor of osteopathy or a doctor of medicine who is not licensed under this chapter but who is licensed pursuant to chapter 18, title 54, Idaho Code;
- (iii) Two (2) members shall be licensed under this chapter; and
- (iv) One (1) member shall be registered under this chapter.

(2) The governor shall appoint all members of the board. Of the initial members, two (2) shall be appointed for four (4) year terms and three (3) shall be appointed for three (3) year terms. After the initial appointments, all terms of appointment shall be for four (4) years. Each member shall serve until a successor is appointed and qualified. No member shall serve more than two (2) consecutive full terms.

(3) The board shall, within thirty (30) days after its appointment, and at least annually thereafter, hold a meeting and elect a chair and a vice chair and may hold additional meetings at the call of the chair or at the written request of any two (2) members of the board. A majority of the board shall constitute a quorum. The vote of a majority of members present at a meeting wherein a quorum is present shall determine the action of the board. The chair and vice chair shall each serve for a two (2) year term. No chair or vice chair may serve more than two (2) consecutive terms.

(4) In the event of the death, resignation, or removal of any board member before the expiration of the term to which the member is appointed, the vacancy shall be filled for the unexpired portion of the term in the same manner as the original appointment.

(5) Board members shall serve at the pleasure of the governor.

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

54-5904. BOARD DUTIES AND POWERS. The board shall have the authority and the responsibility to:

(1) By July 1, 2023, in accordance with this chapter and by using the American naturopathic medical certification board as the primary resource, determine the qualifications needed by each person applying for licensure pursuant to this chapter and, in addition to the requirements of this chapter, define by rule the criteria for determining the appropriate scope of practice for each individual seeking licensure; provided, however, the board may authorize a scope of practice only on an individual basis for each individual seeking licensure. The board may modify the authorized scope of practice based on its assessment of an individual's education, training, and experience;

(2) Consult with the American naturopathic medical certification board to define and set by rule any additional qualifications for licensure that are consistent with this chapter. Any such qualifications shall be in addition to those required by this chapter;

(3) Authorize prescriptive rights or surgical authority only for an applicant who demonstrates sufficient education and training in accordance with an active Idaho license in good standing pursuant to section 54-5905(1), Idaho Code. Notwithstanding the provisions of this subsection, all licensees shall be permitted by the board to practice according to the scope of practice pursuant to section 54-5906, Idaho Code;

(4) Establish, pursuant to chapter 52, title 67, Idaho Code, any such rules consistent with this chapter as are necessary for the administration of this chapter, including but not limited to rules pertaining to discipline, continuing education, and standards for professional conduct that reflect current practice standards and promote inclusion of evidence-based innovations and advances in naturopathic health care;

(5) Conduct investigations and examinations and hold hearings;

(6) Collect fees and other funds only to the extent necessary to carry out the provisions of this chapter. All fees received under the provisions of this chapter shall be paid to the division of occupational and professional licenses and deposited in the state treasury to the credit of the occupational licenses fund, and all costs and expenses incurred under the provisions of this chapter shall be a charge against and paid from said fund;

(7) Conduct legal proceedings, including those regarding contracts and litigation;

(8) Provide such other services and perform such other functions as are necessary and desirable to fulfill its purposes; and

(9) Establish rules that provide for naturopaths to practice in Idaho through registration rather than licensure. In order to protect public health, the scope of practice for a registered naturopath shall be no broader than as provided for in section 54-1804(1)(1), Idaho Code.

(a) The board shall establish a method of registration and a reasonable fee for registration and collect such fee for registration.

(b) No registration shall be granted until the board has approved a reasonable fee and a method of collecting such fee for registration.

54-5905. VOLUNTARY NATUROPATHIC DOCTOR LICENSURE -- REQUIREMENTS -- LIMITATIONS. (1) An applicant shall be qualified for voluntary licensure as a naturopathic doctor pursuant to this chapter if such applicant:

(a) Possesses current, valid, and unrestricted licensure in any state, district, or territory of the United States in at least one (1) of the following medical professions:

(i) Medical doctor or doctor of osteopathy;

(ii) Podiatrist;

(iii) Dentist;

(iv) Chiropractor, if such applicant possesses an accredited doctoral degree in chiropractic medicine as required pursuant to chapter 7, title 54, Idaho Code; or

(v) Nurse, if such applicant possesses a level of training and education equivalent to an advanced practice registered nurse pursuant to chapter 14, title 54, Idaho Code, and has achieved an accredited doctorate degree in nursing;

(b) Has a valid doctoral degree in naturopathy as approved by the board from an institution accredited by the United States department of education;

(c) Has not pled guilty to or been convicted of a crime that is deemed relevant in accordance with section 67-9411(1), Idaho Code, unless such applicant demonstrates that he has been sufficiently rehabilitated to warrant the public trust; and

- (d) Completes any one (1) of the following:
- (i) Two (2) years of experience in the practice of naturopathic health care acceptable to the board, one (1) year of which may include predoctoral practicum or internship and one (1) year of which must be postdoctoral;
  - (ii) Passage of an Idaho state examination proving minimum competency and skills, to be developed and approved by the board by rule and the American naturopathic medical certification board pursuant to this chapter; or
  - (iii) Passage of any accredited national board examination that certifies the individual has achieved minimum competency and skills in the practice of naturopathic health care as approved by the board by rule.
- (2) A license issued under this chapter shall:
- (a) Be issued in the name of the licensed naturopathic doctor;
  - (b) State the issue and expiration date; and
  - (c) Always be displayed in a conspicuous manner in the place of business or employment of the licensee.
- (3) A licensed naturopathic doctor may also use the title "licensed doctor of natural health" or "licensed naturopathic practitioner."
- (4) All applications for licensing shall be reviewed and approved by the board on an individual basis.
- (5) A person who is not licensed pursuant to this chapter shall not:
- (a) Hold himself out as a naturopathic doctor licensed under this chapter;
  - (b) Use or advertise using the title of licensed naturopathic doctor (LND), licensed naturopathic practitioner (LNP), or any variant thereof; or
  - (c) Use any words, abbreviations, figures, configuration of letters, titles, signs, cards, or devices tending to imply that the person is a naturopathic doctor licensed in the state of Idaho.
- (6) Notwithstanding the provisions of subsection (5) of this section, a person who is a licensed naturopathic medical doctor pursuant to chapter 51, title 54, Idaho Code, may use the title "licensed naturopathic doctor."
- (7) No license shall be issued by the board until the board has finalized and approved licensure requirements by rule as provided by this chapter and the legislature has approved all rules governing licensure adopted by the board.

54-5906. LICENSED NATUROPATHIC DOCTORS -- SCOPE OF PRACTICE. (1) A naturopathic doctor licensed pursuant to this chapter may engage only in the scope of practice provided for in this section.

(2) A person who does not possess a current, valid, and unrestricted license pursuant to title 54, Idaho Code, that permits such person to prescribe legend drugs or to perform minor procedures shall not be authorized to do so under a license issued pursuant to this chapter.

(3) If a licensed naturopathic doctor receives licensure in Idaho to practice any profession identified in section 54-5905(1)(a), Idaho Code, then the board may allow the licensed naturopathic doctor to incorporate any additional scope of practice provided for in this section or prescriptive rights as provided for in section 54-5907, Idaho Code. However, the board shall not approve an expanded scope of practice pursuant to this subsection if such additional licensure does not authorize such scope of practice.

(4)(a) The scope of practice for a licensed naturopathic doctor shall be established by rule of the board and shall be limited to the following:

- (i) Diagnosis and treatment of conditions affecting the human body, including vitamins, minerals, or other natural methods;

(ii) Diagnosis and care of patients using a system of practice that bases treatment of physiological functions and abnormal conditions on natural laws governing the human body, including utilizing physiological, psychological, and mechanical methods, electromagnetism, therapeutic exercise, homeopathic medicine, decompression, traction, biofeedback, electrotherapy, physiotherapy, mechanotherapy, naturopathic corrections, neurofeedback, natural methods and substances that support hormonal and cellular health, phytotherapy, and food and herb therapies; and

(iii) Physical examination procedures and laboratory procedures, including ordering imaging and diagnostic tests for purposes of diagnosis.

(b) Other practices that are consistent with this chapter may be allowed pursuant to the rules of the board.

(5) Minor procedures using local anesthetics may be performed only if a licensed naturopathic doctor has had postgraduate surgical training in residency, possesses relevant board certification, is licensed under another chapter of title 54, Idaho Code, that authorizes minor procedures, and is expressly authorized by the board to perform minor procedures.

(6) No licensed naturopathic doctor shall perform minor procedures, prescribe legend drugs, or perform any other action unless otherwise expressly authorized by this chapter and such action is pursuant to the rules of the board.

54-5907. PRESCRIPTIVE RIGHTS. (1) Licensed naturopathic doctors may be granted certain prescriptive rights as part of their scope of practice. However, prescriptive rights for licensed naturopathic doctors shall be granted and maintained only if the licensed naturopathic doctor:

(a) Currently possesses and maintains a full federal drug enforcement agency (DEA) registration that is in good standing prior to seeking prescriptive rights under his license;

(b) Has completed at least forty-five (45) credit hours of pharmacology from an institution accredited by the United States department of education; and

(c) Possesses a current, valid, and unrestricted license issued pursuant to title 54, Idaho Code, that permits such person to prescribe legend drugs.

(2) Licensed naturopathic doctors' individual prescriptive rights pursuant to this section shall be limited to all medications, treatments, or any other item to be prescribed as outlined and approved by the board. However, the board shall not approve any medication, treatment, or any other similar item that is not approved by the formulary committee.

(3) This section shall not and is not intended to authorize group licensure for all individuals licensed under this chapter. Each licensed naturopathic doctor must, on an individual basis, receive approval from the board to prescribe legend drugs as a licensed naturopathic doctor.

(4) The board, by rule, shall ensure that any approval of a licensed naturopathic doctor's request to prescribe as a licensed naturopathic doctor does not exceed the prescriptive scope the licensed naturopathic doctor previously possessed prior to licensure under this chapter.

54-5908. REGISTERED NATUROPATHS. (1) Naturopaths who are not licensed naturopathic doctors may, but shall not be required to, obtain registration under the provisions of this chapter and pursuant to the rules of the board.

(2) The scope of practice for a registered naturopath under this chapter shall be limited to practices permitted pursuant to section 54-1804(1)(1), Idaho Code.

54-5909. LICENSE AND REGISTRATION ISSUANCE, REVOCATION, AND RE-NEWAL. (1) The board shall issue and renew licenses or issue and renew registrations to persons who have qualified for such license or registration pursuant to the provisions of this chapter.

(2) The board may deny an application for licensure or registration, revoke a license or registration, or place restrictions on a license or registration if the holder of such license or registration or applicant for licensure or registration:

(a) Is a current health care professional whose licensure is or previously has been revoked, suspended, placed on probation, reprimanded, limited, restricted, or conditioned, or if such person has been or is currently subject to disciplinary action with respect to professional licensure;

(b) Engages in conduct prohibited by this chapter;

(c) Obtains or attempts to obtain the issuance or renewal of a license or registration pursuant to this chapter by means of fraud, misrepresentation, or concealment of material facts;

(d) Has at any time failed to maintain the confidentiality of records or other information pertaining to an identifiable client, except as required or authorized by law;

(e) Engages in any conduct that constitutes an abuse or exploitation of a client arising out of the trust and confidence placed in the licensed naturopathic doctor or registered naturopath by the client;

(f) Fails to, or has previously failed to, adhere to the limitations set forth in section 54-1804(1) (1), Idaho Code;

(g) Is convicted of, or in the past was convicted of, a crime deemed relevant in accordance with section 67-9411(1), Idaho Code;

(h) Engages in conduct that violates the provisions of this chapter, the rules of the board, or the terms of any license or registration issued by the board; or

(i) Fails to comply with a board order entered in any disciplinary matter.

(3) In making a determination under subsection (2) of this section, the board shall take into consideration the rehabilitation of the applicant and other mitigating circumstances.

(4) An applicant for a license or registration under this chapter shall submit any fee established pursuant to board rules.

(5) 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. License renewal and reinstatement shall be in accordance with section 67-2614, Idaho Code.

54-5910. IMMUNITY OF BOARD MEMBERS AND PERSONS REPORTING INFORMATION TO BOARD. Any member or agent of the board, any member who has served on the board, or any person under oath shall not be subject to a civil action for damages as a result of reporting information in good faith, without fraud or malice, relating to alleged violations or vindictive violations of this chapter or board rules.

54-5911. OBSERVATION OF PUBLIC HEALTH LAW. Each individual licensed or registered under this chapter shall observe and be subject to all state, federal, and municipal regulations relating to the control of contagious and infectious diseases and all matters pertaining to public health. Failure to comply with these requirements shall constitute grounds for disciplinary action pursuant to the provisions of this chapter and the laws of the state of Idaho.

54-5912. FORMULARY COMMITTEE. (1) The board shall appoint a formulary committee consisting of one (1) member who is licensed under chapter 18, title 54, Idaho Code, to practice in Idaho as a pharmacist (PharmD), two (2) members who are either a doctor of osteopathy or a doctor of medicine and who are not licensed under this chapter but are licensed pursuant to Idaho Code, and two (2) members who are licensed under this chapter and possess full federal drug enforcement agency (DEA) registration in good standing.

(2) All members of the formulary committee shall possess a valid and active DEA number and be authorized to prescribe within the United States.

(3) Initially, three (3) members shall serve for three (3) years and two (2) members shall serve for two (2) years. After the initial appointments, all terms of appointment shall be for three (3) years. No member may serve for more than two (2) consecutive terms.

(4) The formulary committee shall act in an advisory role in evaluating prescriptive authority for applicants or other similar issues as called upon by the board. However, the formulary committee shall first approve the scope of prescriptive rights that individuals licensed under this chapter may use before the board approves the scope of prescriptive rights.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 23, 2022

CHAPTER 195  
(S.B. No. 1341)

AN ACT

RELATING TO BALLOTS; AMENDING SECTION 34-1203, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE RELEASE OF BALLOT COUNTS TO THE PUBLIC AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 34-1203, Idaho Code, be, and the same is hereby amended to read as follows:

34-1203. COUNTING OF BALLOTS -- CERTIFICATES OF JUDGES. (1) The ballots and polls lists agreeing, the election personnel shall then proceed to tally the votes cast. Under each office title, the number of votes for each candidate and such other information required by the secretary of state shall be entered in the tally books together with the total of the above figures in the manner prescribed by the secretary of state. Any ballot or part of a ballot from which it is impossible to determine the elector's choice, shall be void and shall not be counted. When a ballot is sufficiently plain to determine therefrom a part of the voter's intention, it shall be the duty of the judges to count such part.

(2) Following the counting, the judges must transmit a copy of the results to the county clerk.

(3) (a) In no event shall the results of any count be released For any election in which at least one (1) office election or ballot question in the county occurs in both time zones in Idaho, the county clerk shall release no election results to the public until all voting places in the state have closed on election day.

(b) If no office election or ballot question in the county occurs in both time zones in Idaho, the county clerk may release the election results to the public at any time after all voting places in the county have closed on election day.

(4) The secretary of state shall issue directives or promulgate administrative rules adopting standards that define what constitutes a vote and what will be counted as a vote for each category of voting system used in this state.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 23, 2022

CHAPTER 196  
(S.B. No. 1395)

AN ACT

RELATING TO APPROPRIATIONS FROM THE IDAHO MILLENNIUM INCOME FUND; APPROPRIATING MONEYS TO THE STATE TREASURER FOR DISTRIBUTION TO RECOVERY IDAHO FOR FISCAL YEAR 2023; APPROPRIATING MONEYS TO THE PUBLIC HEALTH DISTRICTS FOR FISCAL YEAR 2023; APPROPRIATING MONEYS TO IDAHO PUBLIC TELEVISION FOR FISCAL YEAR 2023; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. There is hereby appropriated to the State Treasurer \$900,000 from the Idaho Millennium Income Fund for the period July 1, 2022, through June 30, 2023, to be provided to Recovery Idaho for equal distribution to the nine recovery community centers for the purpose of operational support.

SECTION 2. There is hereby appropriated to the Public Health Districts \$500,000 from the Idaho Millennium Income Fund for the period July 1, 2022, through June 30, 2023, to be equally distributed among the Public Health Districts and expended for educational materials and equipment.

SECTION 3. There is hereby appropriated to Idaho Public Television \$310,000 from the Idaho Millennium Income Fund for the period July 1, 2022, through June 30, 2023, to be expended for the production of smoking and vaping prevention and cessation content.

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 23, 2022

CHAPTER 197  
(H.B. No. 757)

AN ACT

RELATING TO THE APPROPRIATION TO THE SOIL AND WATER CONSERVATION COMMISSION; APPROPRIATING MONEYS TO THE SOIL AND WATER CONSERVATION COMMISSION FOR FISCAL YEAR 2023; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING REQUIREMENTS FOR TRUSTEE AND BENEFIT PAYMENTS DISTRIBUTION; APPROPRIATING ADDITIONAL MONEYS TO THE SOIL AND WATER CONSERVATION COMMISSION FOR FISCAL YEAR 2022; PROVIDING REQUIREMENTS FOR THE WATER QUALITY PROGRAM FOR AGRICULTURE; PROVIDING REAPPROPRIATION AUTHORITY; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Soil and Water Conservation Commission the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2022, through June 30, 2023:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
<b>FROM:</b>					
<b>General</b>					
Fund	\$1,391,200	\$206,600		\$1,772,400	\$3,370,200
<b>Administration and Accounting Services</b>					
Fund		30,000			30,000
<b>Resource Conservation and Rangeland Development</b>					
Fund	191,700	160,000	\$3,200		354,900
<b>Clean Water Revolving Loan (SCC)</b>					
Fund		30,000			30,000
<b>ARPA State Fiscal Recovery</b>					
Fund			6,400		6,400
<b>Federal Grant</b>					
Fund	<u>58,900</u>	<u>0</u>	<u>0</u>	<u>1,635,000</u>	<u>1,693,900</u>
<b>TOTAL</b>	<b>\$1,641,800</b>	<b>\$426,600</b>	<b>\$9,600</b>	<b>\$3,407,400</b>	<b>\$5,485,400</b>

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Soil and Water Conservation Commission is authorized no more than eighteen and seventy-five hundredths (18.75) full-time equivalent positions at any point during the period July 1, 2022, through June 30, 2023, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. TRUSTEE AND BENEFIT PAYMENTS DISTRIBUTION. Of the amount appropriated in Section 1 of this act for trustee and benefit payments, \$300,000 shall be distributed equally between the fifty (50) soil and water conservation districts in addition to the amounts authorized under Section 22-2727, Idaho Code.



SECTION 4. In addition to the appropriation made in Section 1, Chapter 117, Laws of 2021, and any other appropriation provided by law, there is hereby appropriated to the Soil and Water Conservation Commission \$5,000,000 from the General Fund to be expended for trustee and benefit payments for the period July 1, 2021, through June 30, 2022, for the purpose of funding the Water Quality Program for Agriculture in accordance with Sections 22-2733 and 22-2734, Idaho Code.

SECTION 5. WATER QUALITY PROGRAM FOR AGRICULTURE. Of the moneys appropriated in Section 4 of this act for trustee and benefit payments, \$5,000,000 shall be used for the Water Quality Program for Agriculture in accordance with Sections 22-2733 and 22-2734, Idaho Code, to provide cost-share financing for soil and water conservation projects, water delivery and drainage rehabilitation and improvement projects, implementation of agricultural best management practices (BMPs), and other projects to enhance and restore the soil and water resources of the state. The commission shall administer this funding through existing grant procedures and personnel.

SECTION 6. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Soil and Water Conservation Commission any unexpended and unencumbered balances appropriated to the Soil and Water Conservation Commission from the General Fund for the Water Quality Program for Agriculture for fiscal year 2022, in an amount not to exceed \$5,000,000 from the General Fund, to be used for nonrecurring expenditures related to the Water Quality Program for Agriculture for the period July 1, 2022, through June 30, 2023. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 7. 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, 2022

CHAPTER 198  
(H.B. No. 758)

AN ACT

RELATING TO THE APPROPRIATION TO THE COMMISSION ON HISPANIC AFFAIRS; APPROPRIATING MONEYS TO THE COMMISSION ON HISPANIC AFFAIRS FOR FISCAL YEAR 2023; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; APPROPRIATING ADDITIONAL MONEYS TO THE COMMISSION ON HISPANIC AFFAIRS FOR FISCAL YEAR 2022; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Commission on Hispanic Affairs the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2022, through June 30, 2023:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
FROM:			
General			
Fund	\$177,000	\$85,100	\$262,100
Miscellaneous Revenue			
Fund	67,000	162,900	229,900
Federal Grant			
Fund	<u>0</u>	<u>20,000</u>	<u>20,000</u>
TOTAL	\$244,000	\$268,000	\$512,000

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Commission on Hispanic Affairs is authorized no more than three (3.00) full-time equivalent positions at any point during the period July 1, 2022, through June 30, 2023, 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 74, Laws of 2021, and any other appropriation provided by law, there is hereby appropriated to the Commission on Hispanic Affairs \$75,000 from the Miscellaneous Revenue Fund for the period July 1, 2021, through June 30, 2022.

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 24, 2022

CHAPTER 199  
(H.B. No. 767)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE; APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE PUBLIC HEALTH SERVICES DIVISION FOR FISCAL YEAR 2023; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING FOR GENERAL FUND TRANSFERS TO THE COOPERATIVE WELFARE FUND; DIRECTING EXPENDITURES FOR TRUSTEE AND BENEFIT PAYMENTS; PROVIDING REQUIREMENTS FOR PROGRAM INTEGRITY; DIRECTING THE USE OF MONEYS FOR SUICIDE PREVENTION AND AWARENESS; APPROPRIATING AND TRANSFERRING MONEYS FROM THE COOPERATIVE WELFARE FUND TO THE RURAL PHYSICIAN INCENTIVE FUND; DIRECTING THE USE OF MONEYS FOR PROJECT ECHO; ALLOCATING FUNDING FOR THE HOME VISITATION PROGRAM; ALLOCATING FUNDING FOR SMOKING CESSATION; ALLOCATING MONEYS FOR YOUTH SMOKING AND VAPING PREVENTION PROGRAMS; DIRECTING THE USE OF CERTAIN FUNDS; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR FISCAL YEAR 2022; 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 Public Health Services Division the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2022, through June 30, 2023:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
<b>I. PHYSICAL HEALTH SERVICES:</b>					
<b>FROM:</b>					
<b>Cooperative Welfare (General)</b>					
Fund	\$2,108,400	\$925,400		\$2,829,600	\$5,863,400
<b>Idaho Immunization Dedicated Vaccine</b>					
Fund		18,970,000			18,970,000
<b>Cancer Control</b>					
Fund	65,700	205,000		82,600	353,300
<b>Central Tumor Registry</b>					
Fund		120,000			120,000
<b>Cooperative Welfare (Dedicated)</b>					
Fund	2,517,800	5,462,700		11,136,200	19,116,700
<b>Idaho Millennium Income</b>					
Fund		2,706,700		1,278,900	3,985,600
<b>Cooperative Welfare (Federal)</b>					
Fund	12,403,100	72,920,900		51,649,800	136,973,800
<b>ARPA State Fiscal Recovery</b>					
Fund	<u>17,900</u>	<u>982,100</u>		<u>0</u>	<u>1,000,000</u>
<b>TOTAL</b>	<b>\$17,112,900</b>	<b>\$102,292,800</b>		<b>\$66,977,100</b>	<b>\$186,382,800</b>

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
<b>II. EMERGENCY MEDICAL SERVICES:</b>					
FROM:					
Cooperative Welfare (General)					
Fund	\$68,100	\$85,000			\$153,100
Emergency Medical Services					
Fund	1,827,700	1,400,200			3,227,900
Emergency Medical Services III					
Fund				\$1,700,000	1,700,000
TSE Registry					
Fund	113,400	327,000			440,400
Cooperative Welfare (Dedicated)					
Fund	742,600	551,400			1,294,000
Cooperative Welfare (Federal)					
Fund	922,300	5,799,300		4,889,200	11,610,800
ARPA State Fiscal Recovery					
Fund	<u>0</u>	<u>0</u>		<u>2,500,000</u>	<u>2,500,000</u>
TOTAL	\$3,674,100	\$8,162,900		\$9,089,200	\$20,926,200
<b>III. LABORATORY SERVICES:</b>					
FROM:					
Cooperative Welfare (General)					
Fund	\$2,055,400	\$353,300	\$77,500		\$2,486,200
Cooperative Welfare (Dedicated)					
Fund	421,100	279,300			700,400
Cooperative Welfare (Federal)					
Fund	<u>1,366,400</u>	<u>2,095,400</u>	<u>150,000</u>		<u>3,611,800</u>
TOTAL	\$3,842,900	\$2,728,000	\$227,500		\$6,798,400
<b>IV. SUICIDE PREVENTION AND AWARENESS:</b>					
FROM:					
Cooperative Welfare (General)					
Fund	\$318,700	\$820,500		\$644,600	\$1,783,800
Cooperative Welfare (Federal)					
Fund	<u>0</u>	<u>115,000</u>		<u>80,000</u>	<u>195,000</u>
TOTAL	\$318,700	\$935,500		\$724,600	\$1,978,800
<b>V. HEALTH CARE POLICY INITIATIVES:</b>					
FROM:					
Cooperative Welfare (General)					
Fund	\$100,200	\$233,000		\$143,700	\$476,900
Cooperative Welfare (Dedicated)					
Fund	77,200	75,000			152,200

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Cooperative Welfare (Federal)					
Fund	<u>99,200</u>	<u>33,000</u>		<u>356,300</u>	<u>488,500</u>
TOTAL	\$276,600	\$341,000		\$500,000	\$1,117,600
GRAND TOTAL	\$25,225,200	\$114,460,200	\$227,500	\$77,290,900	\$217,203,800

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, each of the programs in the Department of Health and Welfare listed below is authorized no more than the following number of full-time equivalent positions at any point during the period July 1, 2022, through June 30, 2023, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Physical Health Services .....	171.68
Emergency Medical Services .....	42.84
Laboratory Services .....	39.00
Suicide Prevention and Awareness .....	3.50
Health Care Policy Initiatives .....	2.00

SECTION 3. GENERAL FUND TRANSFERS. As appropriated, the Office of the State Controller shall periodically make transfers from the General Fund to the Cooperative Welfare Fund 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 appropriated in the trustee and benefit payments expense class shall not be transferred to any other expense classes during fiscal year 2023.

SECTION 5. PROGRAM INTEGRITY. Notwithstanding any other provision of law to the contrary, 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. SUICIDE PREVENTION AND AWARENESS. The amount appropriated in Section 1 of this act for the Suicide Prevention and Awareness Program shall be used in accordance with the plan developed by the various stakeholders as required by Section 6, Chapter 340, Laws of 2018. Further, the program shall continue to work with all relevant stakeholders to maximize the moneys appropriated for this purpose. The department shall provide a report to the Legislative Services Office on the implementation of the program no later than November 1, 2022.

SECTION 7. CASH TRANSFER. Of the amount appropriated in Section 1 of this act from the Cooperative Welfare (General) Fund, there is hereby appropriated and the Office of the State Controller shall transfer \$640,000 from the Cooperative Welfare (General) Fund to the Rural Physician Incentive Fund on July 15, 2022, or as soon thereafter as practicable, for the Department of Health and Welfare for the period July 1, 2022, through June 30, 2023.

SECTION 8. PROJECT ECHO. Of the amount appropriated in Section 1 of this act from the Cooperative Welfare (General) Fund for the Health Care Policy Initiatives Program, \$200,000 shall be distributed to the Washington, Wyoming, Alaska, Montana, and Idaho (WWAMI) Medical Education Program for the continued implementation of Project ECHO.

SECTION 9. HOME VISITATION PROGRAM. Of the amount appropriated in Section 1 of this act, \$1,000,000 from the Cooperative Welfare (General) Fund and \$1,000,000 from the ARPA State Fiscal Recovery Fund shall be distributed to the public health districts for the purpose of the Home Visitation Program. These moneys shall be distributed according to a formula set by the public health district board of trustees, pursuant to Section 39-411, Idaho Code.

SECTION 10. SMOKING CESSATION. Of the amount appropriated in Section 1 of this act, \$779,100 from the Idaho Millennium Income Fund shall be distributed to the public health districts for the purpose of no-cost cessation services to Idahoans who want to quit tobacco use, with a primary emphasis on youth and pregnant women.

SECTION 11. YOUTH SMOKING AND VAPING PREVENTION PROGRAMS. Of the amount appropriated in Section 1 of this act, \$499,800 from the Idaho Millennium Income Fund shall be distributed to the public health districts for the purpose of youth smoking and vaping prevention programs. These moneys shall be distributed equally among the public health districts.

SECTION 12. DIRECTING USE OF FUNDS. Of the amount appropriated in Section 1 of this act from the ARPA State Fiscal Recovery Fund for ambulance funding, \$2,500,000 shall be distributed first for equipment needs and then according to the uses described in Section 56-1018B, Idaho Code. The Emergency Medical Services Program of the Department of Health and Welfare shall be responsible for requiring qualifying nonprofit and governmental entities that submit an application for a grant to provide information and a certification as part of the grant application to show that the moneys will be used for needs related to the COVID-19 pandemic and will be spent during the allowable time period for the ARPA State Fiscal Recovery Fund.

SECTION 13. In addition to the appropriation made in Section 1, Chapter 308, Laws of 2021, and any other appropriation provided for by law, there is hereby appropriated to the Department of Health and Welfare the following amounts to be expended for the designated programs and expense classes from the Cooperative Welfare (Federal) Fund for the period July 1, 2021, through June 30, 2022:

	FOR	FOR	FOR	
	PERSONNEL	OPERATING	TRUSTEE AND	
	COSTS	EXPENDITURES	BENEFIT	TOTAL
			PAYMENTS	
FOR:				
Physical Health Services	\$1,123,800	\$12,258,400	\$515,500	\$13,897,700
Laboratory Services	177,400	3,571,500		3,748,900
GRAND TOTAL	\$1,301,200	\$15,829,900	\$515,500	\$17,646,600

SECTION 14. 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, 2022

CHAPTER 200  
(S.B. No. 1399)

AN ACT

RELATING TO THE EXTENDED EMPLOYMENT SERVICES PROGRAM; REPEALING CHAPTER 63, TITLE 33, IDAHO CODE, RELATING TO THE EXTENDED EMPLOYMENT SERVICES PROGRAM; AMENDING TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 17, TITLE 56, IDAHO CODE, TO DEFINE TERMS, TO ESTABLISH THE EXTENDED EMPLOYMENT SERVICES PROGRAM IN THE DEPARTMENT OF HEALTH AND WELFARE, TO PROVIDE FOR PROGRAM ELIGIBILITY AND ADMINISTRATION, TO ESTABLISH PROVISIONS REGARDING COVERED SERVICES AND INDIVIDUAL PROGRAM PLANS, AND TO ESTABLISH PROVISIONS REGARDING PROGRAM PROVIDERS AND PROVIDER AGREEMENTS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 63, Title 33, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Title 56, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 17, Title 56, Idaho Code, and to read as follows:

CHAPTER 17  
EXTENDED EMPLOYMENT SERVICES PROGRAM

56-1701. DEFINITIONS. As used in this chapter:

- (1) "Department" means the department of health and welfare.
- (2) "Extended employment services" means long-term maintenance services that assist participants in maintaining employment or gaining employment skills in preparation for community employment or that provide assistance to adult participants within an industry or a business setting or a community rehabilitation program intended to maintain paid employment. Extended employment services include individual community-based supported employment, group community-based supported employment, and work services.
- (3) "Group community-based supported employment" means self-employment or paid employment that is:
  - (a) For a group of no more than eight (8) participants who are paid at least minimum wage and who because of their disabilities need ongoing support to maintain employment;
  - (b) Conducted in a variety of community and industry settings where participants have opportunities to interact with coworkers or others without known paid work supports at least to the extent that those opportunities typically exist in that work setting;
  - (c) Supported by training and supervision needed to maintain that employment; and
  - (d) Not conducted in the work services area of a provider.

(4) "Individual community-based supported employment" means self-employment or paid employment:

- (a) For which a participant is paid a competitive wage;
- (b) For which a participant because of the participant's disability needs ongoing support to maintain the employment;
- (c) That is conducted in a community or industry setting where persons without known paid work supports are employed; and
- (d) That is supported by authorized activities needed to sustain paid work by persons with disabilities, including but not limited to supervision and training.

(5) "Individual program plan" means a plan for extended employment services appropriate for an individual participant based on the participant's needs and personal goals.

(6) "Participant" means a person eligible for and enrolled in the program established pursuant to this chapter.

(7) "Program" means the extended employment services program established by this chapter.

(8) "Provider" means a community rehabilitation program services provider approved by the department to provide extended employment services.

(9) "Work services" means activities, including remunerative work, typically conducted on provider premises, intended to assist participants in understanding the value and demands of work and developing functional capacities that increase or maintain the skill sets needed to achieve and maintain employment.

56-1702. PROGRAM ESTABLISHED. (1) There is hereby established in the department an extended employment services program for the purpose of increasing employment opportunities for program participants. The program shall be administered by the department. Extended employment services offered under this program are separate and apart from any federal program but may be collaborative with and supportive of federal programs.

(2) Program services shall be:

- (a) Provided when eligible individuals do not have access to comparable services or when they have fully utilized comparable services for which they are eligible; and
- (b) Separate and apart from any delivered vocational rehabilitation services as defined in 29 U.S.C. 705(40) provided by the Idaho division of vocational rehabilitation.

(3) The department will determine the process for identifying comparable services.

56-1703. PROGRAM ELIGIBILITY AND ADMINISTRATION. (1) A person is eligible to participate in the program if the person:

- (a) Has a disability that constitutes a barrier to maintaining paid employment without long-term vocational support;
- (b) Is sixteen (16) years of age or older; and
- (c) Is an Idaho resident.

(2) Program participants may request that the program conduct an additional case review to evaluate service level needs at any time. The process will be collaborative with the participant and other stakeholders, as appropriate, and include the exchange of information on the array of employment type options.

- (a) Case file reviews, interviews, and other methods may be used to determine an individual's service level needs.
- (b) Individuals may be referred to other programs that provide employment or other supports that the extended employment services program does not provide.



(c) In order to receive extended employment services, a participant must either take part in an annual case review or request that the program assume the responsibility for developing an individual program plan with the participant.

(3) Each participant has the right to select the provider used, as applicable to the type and level of services identified, and may choose to receive services from a different provider at any time, subject to provider availability. A participant will contact the program manager to request services from a different approved provider.

(4) Eligible program participants receiving services in any category may choose to receive services in a different category if criteria established by the department are met.

(5) An individual who is unable to participate in program services for any period exceeding the department's timeline will be placed into interrupted service status.

(6) Case closures require written notification to the participant by the provider. A good faith effort must be made to notify the participant if the case is closed. Cases will be closed from the program if one (1) or more of the following reasons are met and documentation in the case record supports such reason:

- (a) The participant has moved out of state;
- (b) The participant has retired from employment;
- (c) The participant no longer needs program services;
- (d) The participant is eligible for or utilizing medicaid waiver employment supports for competitive integrated employment;
- (e) The employer is providing long-term supports;
- (f) The employment type transfer;
- (g) The participant is no longer interested in pursuing employment;
- (h) The participant is not medically released to work for an extended period of time;
- (i) The participant is noncompliant, not following through with program requirements, or no longer able to utilize the program; or
- (j) The program manager is unable to locate or contact the participant.

(7) Applicants will be placed on a waiting list by date of program eligibility.

(8) The department will review program service rates and contract with third-party vendors to conduct cost surveys, at a minimum of every five (5) years.

56-1704. COVERED SERVICES -- INDIVIDUAL PROGRAM PLAN. (1) Subject to available funding, the program shall provide the following services to participants, as appropriate:

- (a) Individual community-based supported employment;
- (b) Group community-based supported employment;
- (c) Work services; and
- (d) Transportation.

(2) The services provided to a participant shall be based on the participant's individual program plan.

(3) Program services must:

- (a) Be individually planned by using person-centered principles and person-first or people-first language;
- (b) Provide assistance to participants as unique individuals with varying interests, preferences, and aptitudes;
- (c) Be appropriate to the needs of a participant and consistent with the choice of the participant regarding services, providers, and goals;
- (d) Provide the participant compensation, where applicable, for work performed pursuant to federal and state wage and hour laws;
- (e) Safeguard participants against conflicts of interest; and

(f) Allow a participant to pursue an alternate employment type and assist the participant with referral to the applicable state agency or program provider. Any changes to the employment type must be approved by the department.

(4) Individual community-based supported employment services include:

(a) Focused mentoring and extended or ongoing job coaching to sustain employment;

(b) Offsite job coaching, which may be included in an individual's program plan when determined by the individual, provider, and program staff to be the most appropriate strategy to meet the participant's needs;

(c) Provider-directed supervision of a participant, which will be approved when the general community employer requires it as part of the terms of the participant's employment; and

(d) Opportunity for the participant to increase independence in the participant's employment with the competitive employer.

(5) Group community-based supported employment allowable activities are limited to:

(a) Promoting and advocating for increasing the participant's independence, inclusion, integration, and community employment goals;

(b) Supervising, observing, and job coaching of the participant to maintain employment; and

(c) Training for specific job duties and tasks.

(6) Work services area allowable activities are:

(a) Promoting and advocating for increasing the participant's independence, inclusion, integration, and community employment goals;

(b) Supervising, observing, and job coaching of the participant to maintain employment;

(c) Training for specific job duties and tasks;

(d) Training in other skills that increase the participant's employability for group community-based supported employment or individual community-based supported employment;

(e) Providing onsite personal assistance;

(f) Providing simulated work training and work activities, including career counseling and information and referral to other support services by the department; and

(g) Increasing the participant's understanding of various career pathways and expectations of general community employers. These activities will include a component in the greater community, away from the provider-owned facility.

(7) Preapproval is required for needed supports that exceed the individual program plan service level, including:

(a) Short-term additional supports; and

(b) Transportation as approved in the individual plan. One (1) unit of transportation equals one (1) round trip.

(8) Development of individual program plans shall be as follows:

(a) The participant and provider will develop the participant's individual program plan using the program template. The individual program plan will include a brief summary of the participant's involvement.

(b) Individual program plans must be signed by the participant, or legal guardian if applicable, and the provider staff who assisted with the plan preparation.

(c) The provider will not receive payment for any services provided without an approved individual program plan.

(d) Providers are not required to provide services after an individual program plan expires.

(e) An individual program plan must use person-centered principles and people-first language and detail vocational goals, corresponding meaningful measurable objectives, and the participant's desired employment outcomes. A participant's individual program plan goals will be discussed, modified, revised, and updated yearly, based on data from the participant's progress reports to help the participant achieve employment goals.

(f) The participant and provider will review progress toward vocational goals and next steps necessary to meet vocational goals. The participant will sign the progress report to acknowledge review of the report. The provider will submit progress reports in the timeline established by the department.

56-1705. PROGRAM PROVIDERS -- REQUIREMENTS -- REVOCATION OF APPROVAL -- AGREEMENT REVIEW. (1) Extended employment services providers must be approved by the department prior to participation in the program. The department shall enter an agreement with each approved provider. The agreement shall specify:

(a) Minimum provider requirements:

(i) The provider must be accredited by an approved national or regional accrediting body, specific to vocational supports for individuals with disabilities. Approved program accrediting bodies will be published annually to the department's website; and

(ii) The providers must remain in good standing with their accreditor;

(b) Services to be offered by the provider;

(c) Scope of work under the agreement;

(d) Service fees;

(e) Provider appeal process; and

(f) Other terms, conditions, and provisions as determined by the department.

(2) The department may terminate or revoke the approval status and discontinue authorizing or purchasing services from providers for actions in violation of the agreement or program requirements.

(3) A provider agreement shall be reviewed annually by the department, in collaboration with the providers, and is subject to revision as required by the department.

(4) Providers must maintain program participant files for five (5) years from the last date of service.

(5) The department may audit billing records and other documentation submitted by providers to verify the accuracy of such records.

(6) The department may deny, revoke, or recover service payments if the provider fails to comply with the terms of the provider agreement.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 24, 2022

CHAPTER 201  
(H.B. No. 751)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF PARKS AND RECREATION FOR FISCAL YEAR 2023; APPROPRIATING MONEYS TO THE DEPARTMENT OF PARKS AND RECREATION FOR FISCAL YEAR 2023; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; EXEMPTING THE APPROPRIATION FROM PROGRAM TRANSFER LIMITATIONS; PROVIDING REAPPROPRIATION AUTHORITY; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF PARKS AND RECREATION FOR THE CAPITAL DEVELOPMENT PROGRAM FOR FISCAL YEAR 2022; 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 Parks and Recreation the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2022, through June 30, 2023:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
<b>I. MANAGEMENT SERVICES:</b>					
FROM:					
General					
Fund	\$429,100	\$353,400			\$782,500
Indirect Cost Recovery					
Fund	280,000	197,200			477,200
Parks and Recreation					
Fund	1,656,100	1,829,200	\$129,000	\$370,000	3,984,300
Recreational Fuels					
Fund	370,800	548,400		2,221,800	3,141,000
Parks and Recreation Registration					
Fund	368,800	145,100		8,650,000	9,163,900
Miscellaneous Revenue					
Fund		15,600			15,600
Federal Grant					
Fund	<u>0</u>	<u>2,600</u>	<u>0</u>	<u>2,600,000</u>	<u>2,602,600</u>
TOTAL	\$3,104,800	\$3,091,500	\$129,000	\$13,841,800	\$20,167,100

**II. PARK OPERATIONS:**

FROM:

General

Fund	\$2,359,400	\$588,700			\$2,948,100
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Indirect Cost Recovery

Fund		2,400			2,400
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Parks and Recreation

Fund	6,991,800	2,463,300	\$744,000		10,199,100
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	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
<b>Recreational Fuels</b>					
Fund	205,700	244,600	1,051,000		1,501,300
<b>Parks and Recreation Registration</b>					
Fund	1,030,100	1,081,300	165,000	\$200,000	2,476,400
<b>Miscellaneous Revenue</b>					
Fund	19,400	76,500			95,900
<b>Public Recreation Enterprise</b>					
Fund	838,500	1,429,000			2,267,500
<b>Parks and Recreation Expendable Trust</b>					
Fund	545,600	405,600			951,200
<b>Federal Grant</b>					
Fund	<u>1,160,000</u>	<u>628,600</u>	<u>0</u>	<u>1,227,500</u>	<u>3,016,100</u>
TOTAL	\$13,150,500	\$6,920,000	\$1,960,000	\$1,427,500	\$23,458,000
<b>III. CAPITAL DEVELOPMENT:</b>					
<b>FROM:</b>					
<b>Parks and Recreation</b>					
Fund			\$1,605,000		\$1,605,000
<b>Recreational Fuels</b>					
Fund			1,100,000		1,100,000
<b>Parks and Recreation Registration</b>					
Fund			3,700,000		3,700,000
<b>Parks and Recreation Expendable Trust</b>					
Fund			165,300		165,300
<b>American Rescue Plan</b>					
Fund			3,016,400		3,016,400
<b>ARPA State Fiscal Recovery</b>					
Fund			20,000,000		20,000,000
<b>Federal Grant</b>					
Fund			<u>3,700,000</u>		<u>3,700,000</u>
TOTAL			\$33,286,700		\$33,286,700
GRAND TOTAL	\$16,255,300	\$10,011,500	\$35,375,700	\$15,269,300	\$76,911,800

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Parks and Recreation is authorized no more than one hundred seventy and ninety-seven hundredths (170.97) full-time equivalent positions at any point during the period July 1, 2022, through June 30, 2023, 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 PROGRAM TRANSFER LIMITATIONS. Notwithstanding the provisions of Section 67-3511(2), Idaho Code, trustee and benefit payments appropriated for grants in the Management Services Program may be transferred to capital outlay in the Capital Development Program or to capital outlay in the Park Operations Program to reflect grants awarded to the Department of Parks and Recreation for the period July 1, 2022, through June 30, 2023. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

SECTION 4. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Department of Parks and Recreation any unexpended and unencumbered balances appropriated or reappropriated to the Department of Parks and Recreation for the Capital Development Program for fiscal year 2022 to be used for nonrecurring expenditures in the Capital Development Program for the period July 1, 2022, through June 30, 2023. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 5. In addition to the appropriation made in Section 1, Chapter 152, Laws of 2021, and any other appropriation provided by law, there is hereby appropriated to the Department of Parks and Recreation in the Capital Development Program \$215,000 from the Parks and Recreation Fund to be expended for capital outlay for the period July 1, 2021, through June 30, 2022, for delegated construction projects.

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 24, 2022

CHAPTER 202  
(H.B. No. 588)

AN ACT

RELATING TO WILDLAND FIREFIGHTERS; AMENDING SECTION 59-1603, IDAHO CODE, TO PROVIDE FOR WILDLAND FIREFIGHTER DIFFERENTIAL PAY; AMENDING SECTION 67-5309D, IDAHO CODE, TO PROVIDE FOR WILDLAND FIREFIGHTER DIFFERENTIAL PAY AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 59-1603, Idaho Code, be, and the same is hereby amended to read as follows:

59-1603. CONFORMITY WITH CLASSIFIED POSITIONS. (1) To the extent possible, each nonclassified position in the executive department will be paid a salary or wage comparable to classified positions with similar duties, responsibilities, training, experience and other qualifications in consultation with the division of human resources. Temporary employees and agricultural inspectors referred to in subsections (n) and (p) of section 67-5303, Idaho Code, shall not be entitled to sick leave accruals provided in section 59-1605, Idaho Code, vacation leave provided in section 59-1606, Idaho Code, nor holiday pay defined in subsection (15) of section 67-5302, Idaho Code, unless contributions are being made to the public employee retirement system in accordance with chapter 13, title 59, Idaho Code, and rules promulgated by the retirement board. Vacation and sick leave accruals, but not holiday pay,

shall be awarded retroactively, if necessary, to the date such employees become eligible for retirement system membership.

(2) To the extent possible, each nonclassified position in the legislative department will be paid a salary or wage comparable to classified positions with similar duties, responsibilities, training, experience and other qualifications.

(3) The supreme court shall determine the schedules of salary and compensation for all officers and employees of the judicial department that are not otherwise fixed by law. To the extent possible, the supreme court shall adopt schedules compatible with the state's accounting system. The judicial department may also maintain personnel records and files under such system as is ordered by the supreme court.

(4) The state board of education shall determine the schedules of salary and compensation, and prescribe policies for overtime and compensatory time off from duty, for all officers and employees of the state board of education who are not subject to the provisions of chapter 53, title 67, Idaho Code, and which are not otherwise fixed by law. To the extent possible, the state board of education shall adopt schedules and policies compatible with the state's accounting system. The state board of education may also maintain personnel records and files under a system of its own, if approved by the state controller.

(5) Members of the legislature, the lieutenant governor, other officers whose salaries are fixed by law, and members of part-time boards, commissions and committees shall be paid according to law.

(6) Any schedule of salary and compensation must be approved by the appointing authority and be communicated to the state controller in writing at least thirty (30) days in advance of the effective date of the schedule.

(7) In addition to salary increases provided by any compensation schedule adopted pursuant to subsection (6) of this section, nonclassified officers and employees, except those who are elected officials or whose salaries are fixed by law, may be granted an award not to exceed two thousand dollars (\$2,000) in any given fiscal year based upon an affirmative certification of meritorious service. Exceptions to the two thousand dollar (\$2,000) limit provided in this section may be granted under extraordinary circumstances if approved in advance by the state board of examiners. Appointing authorities shall submit a report to the division of financial management and the legislative services office by October 1 on all awards granted in the preceding fiscal year.

(8) In addition to salary increases provided by any compensation schedule, nonclassified officers and employees, except those who are elected officials or whose salaries are fixed by law, may be granted an award not to exceed two thousand dollars (\$2,000) in any given fiscal year based upon suggestions or recommendations made by the employee that resulted in taxpayer savings as a result of cost savings or greater efficiencies to the department, office or institution or to the state of Idaho in excess of the amount of the award. Exceptions to the two thousand dollar (\$2,000) limit provided in this subsection may be granted in extraordinary circumstances if approved in advance by the state board of examiners. The appointing authority shall as near as practicable utilize the criteria in conformance with rules promulgated by the division of human resources pursuant to section 67-5309D, Idaho Code. Appointing authorities 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.

(9) Each appointing authority, including the elective offices in the executive department, the legislative department, the judicial department, and the state board of education and the board of regents, shall comply with all reporting requirements necessary to produce the list of employee positions prescribed by section 67-3519, Idaho Code.

(10) The adjutant general, with the approval of the governor, shall prescribe personnel policies for all officers and employees of the national guard that are not otherwise fixed by law. Such policies will include an employee grievance procedure with appeal to the adjutant general. The adjutant general shall determine schedules of salary and compensation that are, to the extent possible, comparable to the schedules used for federal civil service employees of the national guard and those employees serving in military status. Schedules adopted shall be compatible with the state's accounting system to the extent possible.

(11) In addition to salary increases provided by any compensation schedule, nonclassified officers and employees, except those who are elected officials or whose salaries are fixed by law, may be granted award pay for recruitment or retention purposes based upon affirmative certification of meritorious service after completion of at least six (6) months of service. Department directors 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. Appointing authorities 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.

(12) In addition to salary increases provided by any compensation schedule, nonclassified officers and employees, except those who are elected officials or whose salaries are fixed by law, may be granted other pay as provided in this subsection. Appointing authorities 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, including:

(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; and

(b) Geographic differential pay in areas of the state where recruitment and retention are difficult due to economic conditions and cost of living; and

(c) Wildland firefighter differential pay up to twenty-five percent (25%) of hourly rates for wildland firefighting personnel who hold current incident qualification cards while working on the fireline of a fire incident not deemed controlled or at a fire incident helibase servicing active flights.

(13) In unusual circumstances, when a distribution has been approved for classified employees pursuant to section 67-5309D, Idaho Code, each appointing authority, including the elective offices in the executive branch, the legislative branch, the judicial branch, and the state board of education and the board of regents of the university of Idaho, may grant nonclassified employees nonmerit pay in the same proportion as received by classified employees in that department or institution. Appointing authorities 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.



(14) Each appointing authority shall, as nearly as practicable, utilize the criteria for reimbursement of moving expenses in conformance with section 67-5337, Idaho Code, and rules promulgated by the division of human resources pursuant thereto. Appointing authorities shall submit a report to the division of financial management and the legislative services office by October 1 on all moving reimbursements granted in the preceding fiscal year.

(15) 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.

SECTION 2. 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 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 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 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. 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, including:

(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-; and

(c) Wildland firefighter differential pay up to twenty-five percent (25%) of hourly rates for wildland firefighting personnel who hold current incident qualification cards while working on the fireline of a fire incident not deemed controlled or at a fire incident helibase servicing active flights.

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 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.

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, 2022

CHAPTER 203  
(S.B. No. 1409)

AN ACT

RELATING TO THE APPROPRIATION TO THE OFFICE OF THE STATE TREASURER; APPROPRIATING MONEYS TO THE OFFICE OF THE STATE TREASURER FOR FISCAL YEAR 2023; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING REQUIREMENTS REGARDING PAYMENT OF BANK SERVICE FEES; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. There is hereby appropriated to the Office of the State Treasurer the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2022, through June 30, 2023:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
FROM:			
General			
Fund	\$1,019,700	\$504,400	\$1,524,100
State Treasurer LGIP			
Fund	202,000	132,900	334,900
Treasurer's Office - Professional Services			
Fund	695,300	581,700	1,277,000
Idaho Millennium Income			
Fund		80,000	80,000
Abandoned Property Trust - Unclaimed Property			
Fund	<u>899,700</u>	<u>424,400</u>	<u>1,324,100</u>
TOTAL	\$2,816,700	\$1,723,400	\$4,540,100

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Office of the State Treasurer is authorized no more than twenty-six (26.00) full-time equivalent positions at any point during the period July 1, 2022, through June 30, 2023, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. PAYMENT OF BANK SERVICE FEES. Of the amount appropriated in Section 1 of this act, no more than \$406,600 from the General Fund and \$221,700 from the Professional Services Fund may be used for the payment of bank service fees for the period July 1, 2022, through June 30, 2023.

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 24, 2022

CHAPTER 204  
(S.B. No. 1406)

AN ACT

RELATING TO THE APPROPRIATION TO THE OFFICE OF THE SECRETARY OF STATE; APPROPRIATING MONEYS TO THE OFFICE OF THE SECRETARY OF STATE FOR FISCAL YEAR 2023; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; APPROPRIATING MONEYS TO THE OFFICE OF THE SECRETARY OF STATE FOR FISCAL YEAR 2022; 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 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, 2022, through June 30, 2023:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
I. SECRETARY OF STATE:			
FROM:			
General			
Fund	\$2,576,600	\$1,860,100	\$4,436,700
II. COMMISSION ON UNIFORM STATE LAWS:			
FROM:			
General			
Fund		\$53,000	\$53,000
GRAND TOTAL	\$2,576,600	\$1,913,100	\$4,489,700

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Office of the Secretary of State is authorized no more than twenty-nine (29.00) full-time equivalent positions at any point during the period July 1, 2022, through June 30, 2023, 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 190, Laws of 2021, and any other appropriation provided by law, there is hereby appropriated to the office of the Secretary of State \$50,000 from the General Fund to be expended for operating expenditures for the period July 1, 2021, through June 30, 2022, for the purpose of election integrity audits.

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 24, 2022

CHAPTER 205  
(H.B. No. 700)

AN ACT

RELATING TO MOTOR VEHICLE REGISTRATION; AMENDING SECTION 49-426, IDAHO CODE, TO REVISE A PROVISION REGARDING A CERTAIN SPEED LIMIT FOR OFF-HIGHWAY VEHICLES AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 49-426, Idaho Code, be, and the same is hereby amended to read as follows:

49-426. EXEMPTIONS FROM OPERATING FEES. The provisions of this chapter with respect to operating fees must not apply to:

(1) Motor vehicles owned or leased by the United States, the state, a city, a county, any department thereof, any political subdivision or municipal corporation of the state, any taxing district of the state, any state-registered nonprofit subscription fire protection unit, or any organization, whether incorporated or unincorporated, organized for the operation, maintenance, or management of an irrigation project or irrigation works or system or for the purpose of furnishing water to its members or shareholders, but in other respects the provisions of this chapter are applicable.

(2) Farm tractors, implements of husbandry, manufactured homes that qualify for an exemption under the provisions of section 49-422, Idaho Code, road rollers, wheel-mounted tar buckets, portable concrete or mortar mixers, wheel-mounted compressors, tow dollies, portable toilet trailers, street sweepers, other construction equipment, forestry equipment, lawn and grounds equipment, and similar devices as determined by the department that are temporarily operated or moved upon the highways need not be registered under the provisions of this chapter, nor will implements of husbandry be considered towed units under registration of vehicle combinations as defined in section 49-108(2), Idaho Code. In addition, self-propelled wheelchairs, three-wheeled bicycles, wheelchair conveyances, golf carts, lawn mowers, and scooters operated by persons who by reason of physical disability are otherwise unable to move about as pedestrians are exempt from registration requirements under the provisions of this chapter. Motorcycles and off-highway vehicles need not be licensed under the provisions of this chapter or numbered pursuant to the provisions of sections 67-7122 and 67-7124, Idaho Code, if they are being used exclusively in connection with agricultural, horticultural, dairy and livestock growing and feeding operations, or used exclusively for snow removal purposes. Travel upon the public highways must be limited to travel between farm or ranch locations. Motorcycles and off-highway vehicles used for this purpose must meet the emblem requirements of section 49-619, Idaho Code.

(3) Off-highway vehicles licensed pursuant to this chapter and numbered pursuant to section 67-7122 or 67-7124, Idaho Code, and those vehicles exempt from licensing and numbering pursuant to subsection (2) of this section are permitted to operate on:

(a) All highways that are not state highways and that are not interstate highways;

(b) Any non-full access-controlled state highway within the boundaries of a municipality and extending one (1) mile from such boundary lines where the posted speed limit is sixty (60) miles per hour or less; and

(c) Any non-full access-controlled state highway outside of municipalities where the posted speed limit is sixty-five (605) miles per hour or less for continuous distances of no more than five (5) miles for the limited purpose of connecting between OHV trails, obtaining access to or from an OHV trail, or to access necessary services such as fuel, lodging, food and beverage, and maintenance.

(4) Off-highway vehicles licensed pursuant to this chapter and numbered pursuant to section 67-7122 or 67-7124, Idaho Code, and those vehicles exempt from licensing and numbering pursuant to subsection (2) of this section must be permitted to cross a highway, except interstate highways and full access-controlled state highways, at a public road intersection and at any point where an OHV trail intersects, provided the vehicle comes to a full and complete stop before making the crossing and yields to any highway traffic.

(5) The operation of off-highway vehicles licensed pursuant to this chapter and numbered pursuant to section 67-7122 or 67-7124, Idaho Code, and those vehicles exempt from licensing and numbering pursuant to subsection (2) of this section are not permitted on interstate highways and full access-controlled state highways, provided that the Idaho transportation board may designate sections of such state highways upon which off-highway vehicles may travel.

(6) The Idaho transportation board may, after sufficient public notice is given and a public hearing held, designate sections of state highways that are closed or limited to off-highway vehicle use. The Idaho transportation board must deliver written notice to the director of the Idaho department of parks and recreation at least thirty (30) days before the public hearing and must accept and consider any comment from the director of the Idaho department of parks and recreation received within the thirty (30) day period or at the public hearing.

(7) Any political subdivision of the state of Idaho may, but only after sufficient public notice is given and a public hearing held, adopt local ordinances or resolutions designating highways or sections of highways under its jurisdiction that are closed or limited to off-highway vehicle use. Notice of any such public hearing must be delivered in writing at least thirty (30) days in advance to the director of the Idaho department of parks and recreation. A political subdivision must accept and consider any comment from the director of the Idaho department of parks and recreation received within the thirty (30) day period or at the public hearing.

(8) When operating an off-highway vehicle upon highways, off-highway vehicles must not travel at speeds greater than the posted speed limit or forty-five (45) miles per hour, whichever is less.

(9) The requirements of title 18 and chapters 2, 3, 6, 8, 12, 13, and 14, title 49, Idaho Code, apply to the operation of off-highway vehicles upon highways.

(10) Off-highway vehicles may be used on highways located on state lands or federal lands that are not part of the highway system of the state of Idaho, provided the numbering requirements of section 67-7122 or 67-7124, Idaho Code, are met.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 24, 2022

CHAPTER 206  
(S.B. No. 1407)

AN ACT

RELATING TO THE APPROPRIATION TO THE BOARD OF TAX APPEALS FOR FISCAL YEAR 2023; APPROPRIATING MONEYS TO THE BOARD OF TAX APPEALS FOR FISCAL YEAR 2023; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. There is hereby appropriated to the Board of Tax Appeals the following amounts to be expended according to the designated expense classes from the General Fund for the period July 1, 2022, through June 30, 2023:

FOR:

Personnel Costs	\$492,100
Operating Expenditures	87,700
Capital Outlay	<u>46,300</u>
TOTAL	\$626,100

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Board of Tax Appeals is authorized no more than four (4.00) full-time equivalent positions at any point during the period July 1, 2022, through June 30, 2023, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 24, 2022

CHAPTER 207  
(H.B. No. 783)

AN ACT

RELATING TO THE APPROPRIATION TO THE STATE TAX COMMISSION FOR FISCAL YEAR 2023; APPROPRIATING MONEYS TO THE STATE TAX COMMISSION FOR FISCAL YEAR 2023; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. There is hereby appropriated to the State Tax Commission the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2022, through June 30, 2023:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
<b>I. GENERAL SERVICES:</b>				
FROM:				
General				
Fund	\$5,746,600	\$7,594,200	\$12,200	\$13,353,000
Multistate Tax Compact				
Fund	128,300	610,400	40,000	778,700
Administration and Accounting				
Fund	38,600	29,900	2,500	71,000
Administration Services for Transportation				
Fund	778,700	942,900	71,000	1,792,600
Seminars and Publications				
Fund		20,900	10,000	30,900
ARPA State Fiscal Recovery				
Fund	<u>0</u>	<u>0</u>	<u>189,500</u>	<u>189,500</u>
TOTAL	\$6,692,200	\$9,198,300	\$325,200	\$16,215,700
<b>II. AUDIT DIVISION:</b>				
FROM:				
General				
Fund	\$8,709,500	\$698,100		\$9,407,600
Multistate Tax Compact				
Fund	1,833,200	493,700		2,326,900
Administration and Accounting				
Fund	16,200	24,400		40,600
Administration Services for Transportation				
Fund	<u>1,909,400</u>	<u>345,500</u>		<u>2,254,900</u>
TOTAL	\$12,468,300	\$1,561,700		\$14,030,000



	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
<b>III. COLLECTION DIVISION:</b>				
<b>FROM:</b>				
<b>General</b>				
Fund	\$7,430,800	\$753,100		\$8,183,900
<b>Administration Services for Transportation</b>				
Fund	<u>225,400</u>	<u>27,500</u>		<u>252,900</u>
<b>TOTAL</b>	<b>\$7,656,200</b>	<b>\$780,600</b>		<b>\$8,436,800</b>
<b>IV. REVENUE OPERATIONS:</b>				
<b>FROM:</b>				
<b>General</b>				
Fund	\$4,149,100	\$1,223,600		\$5,372,700
<b>Multistate Tax Compact</b>				
Fund		4,000		4,000
<b>Administration and Accounting</b>				
Fund	91,100	17,100		108,200
<b>Administration Services for Transportation</b>				
Fund	676,200	254,300	\$2,300	932,800
<b>Seminars and Publications</b>				
Fund	<u>0</u>	<u>26,400</u>	<u>0</u>	<u>26,400</u>
<b>TOTAL</b>	<b>\$4,916,400</b>	<b>\$1,525,400</b>	<b>\$2,300</b>	<b>\$6,444,100</b>
<b>V. PROPERTY TAX:</b>				
<b>FROM:</b>				
<b>General</b>				
Fund	\$3,787,400	\$292,000		\$4,079,400
<b>Seminars and Publications</b>				
Fund	<u>0</u>	<u>171,000</u>		<u>171,000</u>
<b>TOTAL</b>	<b>\$3,787,400</b>	<b>\$463,000</b>		<b>\$4,250,400</b>
<b>GRAND TOTAL</b>	<b>\$35,520,500</b>	<b>\$13,529,000</b>	<b>\$327,500</b>	<b>\$49,377,000</b>

**SECTION 2. FTP AUTHORIZATION.** In accordance with Section 67-3519, Idaho Code, the State Tax Commission is authorized no more than four hundred forty-six (446.00) full-time equivalent positions at any point during the period July 1, 2022, through June 30, 2023, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

**SECTION 3.** An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 24, 2022

## CHAPTER 208

(H.B. No. 640, As Amended in the Senate)

## AN ACT

RELATING TO THE IDAHO BROADBAND DIG ONCE AND RIGHT-OF-WAY ACT; AMENDING CHAPTER 5, TITLE 40, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 40-515, IDAHO CODE, TO PROVIDE A SHORT TITLE; AMENDING CHAPTER 5, TITLE 40, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 40-516, IDAHO CODE, TO PROVIDE LEGISLATIVE INTENT REGARDING A DIG ONCE POLICY; AMENDING CHAPTER 5, TITLE 40, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 40-517, IDAHO CODE, TO DEFINE TERMS; AMENDING CHAPTER 5, TITLE 40, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 40-518, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING A DIG ONCE POLICY AND PROJECT IDENTIFICATION; AMENDING CHAPTER 5, TITLE 40, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 40-519, IDAHO CODE, TO PROVIDE THAT BROADBAND PROVIDERS ACTING IN ACCORDANCE WITH THE DIG ONCE POLICY SHALL NOT BE ASSESSED FAIR MARKET VALUE; AMENDING CHAPTER 5, TITLE 40, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 40-520, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING RIGHTS-OF-WAY FOR BROADBAND; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 5, Title 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 40-515, Idaho Code, and to read as follows:

40-515. **SHORT TITLE.** This section through section 40-520, Idaho Code, shall be known and may be cited as the "Idaho Broadband Dig Once and Right-of-Way Act."

SECTION 2. That Chapter 5, 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 40-516, Idaho Code, and to read as follows:

40-516. **LEGISLATIVE INTENT: DIG ONCE POLICY.** (1) It is the intent of the legislature to recognize that the citizens of the state live and work in a data-driven society and that the connectivity in Idaho's urban and rural areas are key for a thriving Idaho economy. Broadband is a vital component in accomplishing connectivity throughout Idaho.

(2) The legislature recognizes and hereby declares that broadband service throughout the entire state is in the overall public interest for the state of Idaho in furtherance of the social and economic development of the state, and the use of highway rights-of-way to support broadband infrastructure and a "Dig Once Policy" furthers the overall public interest.

(3) It is the intent of the legislature that the Idaho transportation department develop rules, standards, and policies consistent with the "Dig Once Policy" to facilitate the expansion of broadband with the cost-efficient, orderly, and coordinated installation of broadband infrastructure on highway rights-of-way and during roadway construction.

SECTION 3. That Chapter 5, 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 40-517, Idaho Code, and to read as follows:

40-517. DEFINITIONS. As used in sections 40-515 through 40-520, Idaho Code:

(1) "Broadband" means wide bandwidth communication transmissions allowing high speed internet access with an ability to simultaneously transport multiple signals and traffic types at a minimum transmission speed of one hundred (100) megabits per second for downloads and twenty (20) megabits per second for uploads.

(2) "Broadband infrastructure" means networks of deployed telecommunications equipment, conduit, and technologies necessary to provide broadband and other advanced telecommunications services to wholesalers or end users, including but not limited to private homes, businesses, commercial establishments, schools, or public institutions.

(3) "Broadband provider" means any entity that:

(a) Provides broadband services, including but not limited to a telecommunications provider, cable service provider, broadband provider, cellular provider, political subdivision that provides broadband services, electric cooperative that provides broadband services, electric utility that provides broadband services, state government entity that provides broadband services, tribal government that provides broadband services, or internet service provider; or

(b) Builds broadband infrastructure, including but not limited to a port, nonprofit organization, or private-public partnership established for the purpose of expanding broadband in the state.

(4) "Department" means the Idaho transportation department.

(5) "Dig Once Policy" means a policy or practice that minimizes the number and scale of excavations or construction and costs when installing broadband infrastructure in highway rights-of-way.

(6) "Highway" means a road that is part of the state highway system.

(7) "Longitudinal access" means access to or use of any part of a right-of-way of a highway that extends generally parallel to the right-of-way for a total of one hundred (100) or more linear feet.

SECTION 4. That Chapter 5, 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 40-518, Idaho Code, and to read as follows:

40-518. DIG ONCE POLICY NOTIFICATION AND PROJECT IDENTIFICATION. (1) The department shall develop on a competitively neutral basis a registry of broadband providers interested in installing broadband infrastructure along a highway. The department shall update the registry no less than once per year.

(2) The department shall identify potential projects managed by the department, either self-performed by the department or performed under contract, on highways under the department's jurisdiction for which notice under subsection (3) of this section is required. Potential projects eligible for identification shall include projects that involve the construction of underground infrastructure, road construction, or other work that will result in longitudinal access that could reasonably include, or prepare for, the installation of broadband infrastructure consistent with the "Dig Once Policy."

(3) For each project identified under subsection (2) of this section, the department shall timely notify the broadband providers on the registry established under subsection (1) of this section:

(a) That the project has been identified as suitable for coordination with broadband providers;

(b) Of the broadband provider's opportunity to coordinate with the department to accommodate the installation of broadband infrastructure; and

(c) Of the process for submitting a statement of interest to coordinate with the department on the project.

(4) The department shall provide each broadband provider that receives a notice under subsection (3) of this section no less than thirty (30) days from the date the notice is issued to submit to the department a statement of interest to coordinate with the department.

(5) For each project for which the department provides notice under this section, the department shall engage with each broadband provider that submits a statement of interest to determine whether accommodation of installation of broadband infrastructure is appropriate.

(6) The department shall make the final determination of the suitability of a project to include installation of broadband infrastructure and may prescribe any conditions, requirements, restrictions, or other provisions in furtherance of the "Dig Once Policy." Conditions, requirements, restrictions, or provisions prescribed pursuant to this subsection may include but need not be limited to liability provisions, requirements related to the financial responsibilities for future relocation of broadband infrastructure if relocation is necessary, and indemnification provisions. The department may deny the installation of broadband infrastructure if the installation hinders or obstructs highway construction, maintenance, or operational safety, is contrary to statute or rule, or unduly delays or interferes with construction, maintenance, joint trenching projects, or the repair or construction of water, wastewater, electrical, or gas line facilities.

(7) The department may install conduit for its own use where appropriate or in support of expanding broadband infrastructure in the state of Idaho.

(8) The department shall promulgate rules for carrying out the provisions of this section that are nondiscriminatory, neutral, fair, and objective and that promote competition among broadband providers. Rules shall include, at a minimum:

(a) Procedures consistent with the "Dig Once Policy" for processing and reviewing statements of interest received from a broadband provider by the department. Consistent with the "Dig Once Policy," the department shall issue rules that will restrict speculative practices that may unduly impact and congest the department's rights-of-way;

(b) A broadband provider shall be charged for the actual cost incurred by the department as a result of the installation of a broadband provider's broadband infrastructure. If there is more than one (1) broadband provider installing broadband infrastructure, then each broadband provider shall share equally in the common charges of the installation of broadband infrastructure, including but not limited to trenching, boring, traffic controls, and make-ready costs;

(c) Criteria for identifying projects that would be suitable for the placement of broadband infrastructure;

(d) Criteria for the installation of the department's own conduit. Rules may allow use of such conduit by broadband providers;

(e) Procedures and forms for permitting processes; and

(f) A contested case administrative appeals process, pursuant to the Idaho administrative procedure act, chapter 52, title 67, Idaho Code.

(9) The department may not grant any longitudinal access under this section that results in a significant compromise of the safe, efficient, and convenient use of a highway for the traveling public.

SECTION 5. That Chapter 5, 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 40-519, Idaho Code, and to read as follows:

40-519. PROVIDER SHALL NOT BE ASSESSED FAIR MARKET VALUE. A broadband provider installing broadband infrastructure in accordance with sections 40-515 through 40-520, Idaho Code, shall not be assessed fair market value.

SECTION 6. That Chapter 5, 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 40-520, Idaho Code, and to read as follows:

40-520. RIGHTS-OF-WAY FOR BROADBAND. (1) Except as provided in subsection (5) of this section, the department shall allow a broadband provider longitudinal use and access to the rights-of-way of a highway for the installation, operation, and maintenance of broadband infrastructure.

(2) The department shall enter into a license agreement with a broadband provider and issue a permit before granting it any longitudinal access under this section. Except as specifically provided by the agreement, a property interest in a right-of-way may not be granted under the provisions of this section. An agreement entered into by the department under this section:

(a) Shall include terms and conditions that are nondiscriminatory and are consistent with the public policy promoting the expansion of broadband infrastructure in Idaho, such as liability provisions, requirements related to the financial responsibilities for future relocation of underground broadband infrastructure if relocation is necessary, and indemnification provisions;

(b) Shall specify maintenance responsibilities for broadband infrastructure being placed;

(c) May require that the department be allowed to utilize the broadband infrastructure only for public safety warnings, road condition notifications, and amber alerts to motorists on highways;

(d) May require that the broadband provider install conduit for nonexclusive use, in which the cost of the project shall be shared proportionally. Alternatively, if the department requires the broadband provider to install only one (1) conduit of equal or smaller size of the conduit being installed exclusively for internal department purposes, then the department shall be responsible only for the costs of the additional materials and labor for the installation of its own conduit. The department must keep all documents and records regarding the internal use of the conduit and make public such documents if requested. The department may not allow the use of its internal conduit to any other entity. If the department allows the use of internal conduit to another entity, then the department shall reimburse the broadband provider for half of the project costs;

(e) Shall specify that the broadband provider shall own its broadband infrastructure; and

(f) Shall specify that the use of the rights-of-way shall be nonexclusive.

(3) A broadband provider shall be responsible for the costs of installing its own broadband infrastructure on the department's right-of-way. If there is more than one (1) broadband provider installing broadband infrastructure at the same project, then the broadband provider is responsible for its pro rata share of the cost.

(4) The department shall require the same fees from a broadband provider under this section for longitudinal access to the right-of-way as a public utility defined under section 61-129, Idaho Code. However, fees charged to a cable provider shall be in accordance with applicable federal law.

(5) The department may not grant any longitudinal access under this section that results in a significant compromise of the safe, efficient, and convenient use of a highway for the traveling public.

(6) The department may install conduit for its own use where appropriate or in support of expanding broadband infrastructure in the state of Idaho.

(7) The department shall promulgate rules:

(a) Governing the installation, operation, and maintenance of broadband infrastructure granted longitudinal access pursuant to this section;

(b) Specifying the procedures for establishing an agreement for longitudinal access for a broadband provider;

(c) Specifying criteria for the installation of the department's own conduit and use of such conduit by broadband providers consistent with this section; and

(d) Providing for the relocation or removal of broadband infrastructure for needed changes to a highway on the interstate system.

(8) Nothing in section 40-515, Idaho Code, through this section is intended to preempt, diminish, or otherwise limit the authority of the department over public rights-of-way.

SECTION 7. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 24, 2022

#### CHAPTER 209

(H.B. No. 612, As Amended in the Senate)

#### AN ACT

RELATING TO THE OCCUPATIONAL LICENSING REFORM ACT; AMENDING CHAPTER 94, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-9413, IDAHO CODE, TO PROVIDE FOR THE EXPUNGEMENT OF DISCIPLINARY ACTION BY A LICENSING AUTHORITY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 94, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-9413, Idaho Code, and to read as follows:

67-9413. EXPUNGEMENT OF DISCIPLINARY ACTION. (1) A licensing authority has the authority to grant a request for the expungement of disciplinary action previously imposed on a person's licensure, whether formal, informal, corrective action, or action in lieu of discipline, as authorized by this section and in compliance with any rules adopted by a licensing authority.

(2) Any request for expungement pursuant to this section shall be made in writing and shall comply with applicable rules adopted by the licensing authority, if any.

(3) With respect to disciplinary action arising from a failure to timely renew licensure or failure to complete required continuing education, a licensing authority shall expunge the disciplinary record if:

(a) The disciplinary action at issue is at least three (3) years old;

(b) The terms of the disciplinary action have been met; and

(c) There have been no subsequent violations of any other provisions of the licensing authority's relevant practice act or rules.

(4) For any disciplinary action that is not identified in subsection (3) of this section, a licensing authority may expunge a disciplinary action if:

- (a) The disciplinary action at issue is at least seven (7) years old;
- (b) The terms of the disciplinary action have been met; and
- (c) The requestor has had no subsequent violations of any other provisions of the licensing authority's relevant practice act or rules.

(5) A licensing authority shall not grant a request for expungement if the disciplinary action was based on a conviction of a criminal offense enumerated in section 18-310(2), Idaho Code.

(6) If a prior disciplinary action is expunged:

- (a) The licensing authority shall report the expungement to any national database where it previously reported the disciplinary action;
- (b) The licensee shall not be required to report expunged disciplinary action on any future licensing or renewal applications to a licensing authority in Idaho; and
- (c) The licensing authority shall not consider any expunged disciplinary action in future disciplinary matters unless the expunged disciplinary action involved the same or substantially similar conduct.

(7) This section applies only to disciplinary actions by licensing authorities and shall not apply to civil or criminal matters or to criminal convictions.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 24, 2022

CHAPTER 210  
(S.B. No. 1401)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE; APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISIONS OF INDIRECT SUPPORT SERVICES, LICENSING AND CERTIFICATION, AND INDEPENDENT COUNCILS FOR FISCAL YEAR 2023; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING FOR GENERAL FUND TRANSFERS TO THE COOPERATIVE WELFARE FUND; DIRECTING EXPENDITURES FOR TRUSTEE AND BENEFIT PAYMENTS; PROVIDING REQUIREMENTS FOR PROGRAM INTEGRITY; REQUIRING MEDICAID TRACKING REPORTS; REQUIRING REPORTS ON FACILITY LICENSING AND CERTIFICATION; REQUIRING A REPORT ON THE CRIMINAL HISTORY UNIT; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR INDIRECT SUPPORT SERVICES FOR FISCAL YEAR 2022; 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 the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2022, through June 30, 2023:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
<b>I. INDIRECT SUPPORT SERVICES:</b>					
<b>FROM:</b>					
Cooperative Welfare (General)					
Fund	\$12,244,500	\$8,228,200			\$20,472,700
Cooperative Welfare (Dedicated)					
Fund	1,982,100	1,502,100			3,484,200
Cooperative Welfare (Federal)					
Fund	16,030,800	10,996,300	\$689,900		27,717,000
ARPA State Fiscal Recovery					
Fund	<u>0</u>	<u>1,517,000</u>	<u>813,500</u>		<u>2,330,500</u>
<b>TOTAL</b>	<b>\$30,257,400</b>	<b>\$22,243,600</b>	<b>\$1,503,400</b>		<b>\$54,004,400</b>
<b>II. LICENSING AND CERTIFICATION:</b>					
<b>FROM:</b>					
Cooperative Welfare (General)					
Fund	\$1,940,800	\$251,400			\$2,192,200
Cooperative Welfare (Dedicated)					
Fund	916,100	12,200			928,300
Cooperative Welfare (Federal)					
Fund	<u>4,423,300</u>	<u>639,400</u>			<u>5,062,700</u>
<b>TOTAL</b>	<b>\$7,280,200</b>	<b>\$903,000</b>			<b>\$8,183,200</b>
<b>III. INDEPENDENT COUNCILS:</b>					
<b>A. DEVELOPMENTAL DISABILITIES COUNCIL:</b>					
<b>FROM:</b>					
Cooperative Welfare (General)					
Fund	\$186,000	\$17,400			\$203,400
Cooperative Welfare (Dedicated)					
Fund		15,000			15,000
Cooperative Welfare (Federal)					
Fund	<u>387,400</u>	<u>275,900</u>		<u>\$31,600</u>	<u>694,900</u>
<b>TOTAL</b>	<b>\$573,400</b>	<b>\$308,300</b>		<b>\$31,600</b>	<b>\$913,300</b>
<b>B. DOMESTIC VIOLENCE COUNCIL:</b>					
<b>FROM:</b>					
Cooperative Welfare (General)					
Fund	\$315,000	\$2,100			\$317,100
Domestic Violence Project					
Fund	207,000	164,600		\$171,800	543,400
Cooperative Welfare (Dedicated)					
Fund		40,000			40,000



	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
<b>Cooperative Welfare (Federal)</b>					
Fund	505,400	301,700		15,600,300	16,407,400
<b>ARPA State Fiscal Recovery</b>					
Fund	<u>240,000</u>	<u>60,000</u>		<u>5,700,000</u>	<u>6,000,000</u>
TOTAL	\$1,267,400	\$568,400		\$21,472,100	\$23,307,900
DIVISION TOTAL	\$1,840,800	\$876,700		\$21,503,700	\$24,221,200
GRAND TOTAL	\$39,378,400	\$24,023,300	\$1,503,400	\$21,503,700	\$86,408,800

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, each of the programs in the Department of Health and Welfare listed below is authorized no more than the following number of full-time equivalent positions at any point during the period July 1, 2022, through June 30, 2023, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Developmental Disabilities Council .....	6.00
Domestic Violence Council .....	6.00
Indirect Support Services .....	287.60
Licensing and Certification .....	71.90

SECTION 3. GENERAL FUND TRANSFERS. As appropriated, the Office of the State Controller shall periodically make transfers from the General Fund to the Cooperative Welfare Fund 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 appropriated in the trustee and benefit payments expense class shall not be transferred to any other expense classes during fiscal year 2023.

SECTION 5. PROGRAM INTEGRITY. Notwithstanding any other provision of law to the contrary, 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. MEDICAID TRACKING REPORT. The Department of Health and Welfare's Division of Medicaid and Division of Indirect Support Services shall deliver a report that compares the Medicaid appropriation, distributed by month for the year, to the actual expenditures and remaining forecasted expenditures for the year on a monthly basis to the Legislative Services Office and the Division of Financial Management. The report shall also include a forecast, updated monthly, of the next fiscal year's anticipated trustee and benefit expenditures. The format of the report and the information included therein shall be determined by the Legislative Services Office and the Division of Financial Management.

SECTION 7. REPORTS ON FACILITY LICENSING AND CERTIFICATION. The Licensing and Certification Program shall provide biannual reports to the Legislative Services Office and the Division of Financial Management on the status of facility licensing and certifications as well as staff workload and caseload issues. The format of the report and the type of information included therein shall be determined by the Legislative Services Office and the Division of Financial Management. The first report shall be submitted no later than December 31, 2022, and the second report shall be submitted no later than June 30, 2023.

SECTION 8. CRIMINAL HISTORY UNIT REPORT. The Department of Health and Welfare's Division of Indirect Support Services shall deliver a report that outlines the obligations of the criminal history unit within Idaho Code. The format of the report and the information included therein shall be determined by the Legislative Services Office Division of Budget and Policy Analysis.

SECTION 9. In addition to the appropriation made in Section 1, Chapter 227, Laws of 2021, and any other appropriation provided for by law, there is hereby appropriated to the Department of Health and Welfare for the Division of Indirect Support Services the following amounts to be expended for operating expenditures from the listed funds for the period July 1, 2021, through June 30, 2022, for the purposes of criminal history unit modernization and IT cloud modernization:

FROM:

Cooperative Welfare (General)

Fund	\$305,000
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Cooperative Welfare (Federal)

Fund	<u>535,000</u>
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TOTAL	\$840,000
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SECTION 10. 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, 2022

CHAPTER 211  
(H.B. No. 773)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE; APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISIONS OF CHILD WELFARE, SERVICES FOR THE DEVELOPMENTALLY DISABLED, AND SERVICE INTEGRATION FOR FISCAL YEAR 2023; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING FOR GENERAL FUND TRANSFERS TO THE COOPERATIVE WELFARE FUND; DIRECTING EXPENDITURES FOR TRUSTEE AND BENEFIT PAYMENTS; PROVIDING REQUIREMENTS FOR PROGRAM INTEGRITY; CLARIFYING THE RESPONSIBILITY FOR THE EDUCATION OF CERTAIN CHILDREN IN STATE CARE; DIRECTING THE USE OF CHILD ABUSE PROTECTION TREATMENT ACT FUNDS; DIRECTING EXPENDITURES FOR THE DIVISION OF CHILD WELFARE; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISION OF CHILD WELFARE FOR FISCAL YEAR 2022; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE SOUTHWEST IDAHO TREATMENT CENTER FOR CAPITAL OUTLAY FOR FISCAL YEAR 2022; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE SOUTHWEST IDAHO TREATMENT CENTER FOR PERSONNEL COSTS FOR FISCAL YEAR 2022; 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 the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2022, through June 30, 2023:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
<b>I. CHILD WELFARE:</b>				
<b>A. CHILD WELFARE:</b>				
FROM:				
Cooperative Welfare (General)				
Fund	\$13,078,100	\$1,852,000		\$14,930,100
Cooperative Welfare (Dedicated)				
Fund	73,500	20,000		93,500
Cooperative Welfare (Federal)				
Fund	<u>25,692,500</u>	<u>5,829,600</u>		<u>31,522,100</u>
TOTAL	\$38,844,100	\$7,701,600		\$46,545,700
<b>B. FOSTER &amp; ASSISTANCE PAYMENTS:</b>				
FROM:				
Cooperative Welfare (General)				
Fund			\$21,677,500	\$21,677,500
Cooperative Welfare (Dedicated)				
Fund			150,000	150,000

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
<b>Cooperative Welfare (Federal)</b>				
Fund			<u>28,267,800</u>	<u>28,267,800</u>
TOTAL			\$50,095,300	\$50,095,300
DIVISION TOTAL	\$38,844,100	\$7,701,600	\$50,095,300	\$96,641,000
<b>II. SERVICES FOR THE DEVELOPMENTALLY DISABLED:</b>				
<b>A. COMMUNITY DEVELOPMENTAL DISABILITY SERVICES:</b>				
FROM:				
<b>Cooperative Welfare (General)</b>				
Fund	\$8,579,100	\$896,000	\$2,421,300	\$11,896,400
<b>Cooperative Welfare (Dedicated)</b>				
Fund	119,000	46,300	783,100	948,400
<b>Cooperative Welfare (Federal)</b>				
Fund	<u>6,833,200</u>	<u>1,056,600</u>	<u>2,927,600</u>	<u>10,817,400</u>
TOTAL	\$15,531,300	\$1,998,900	\$6,132,000	\$23,662,200
<b>B. SOUTHWEST IDAHO TREATMENT CENTER:</b>				
FROM:				
<b>Cooperative Welfare (General)</b>				
Fund	\$3,969,100	\$471,000	\$78,800	\$4,518,900
<b>Cooperative Welfare (Dedicated)</b>				
Fund	328,500	137,800	10,600	476,900
<b>Cooperative Welfare (Federal)</b>				
Fund	<u>5,965,600</u>	<u>1,613,700</u>	<u>141,700</u>	<u>7,721,000</u>
TOTAL	\$10,263,200	\$2,222,500	\$231,100	\$12,716,800
DIVISION TOTAL	\$25,794,500	\$4,221,400	\$6,363,100	\$36,379,000
<b>III. SERVICE INTEGRATION:</b>				
FROM:				
<b>Cooperative Welfare (General)</b>				
Fund	\$264,800	\$41,300	\$450,000	\$756,100
<b>Cooperative Welfare (Dedicated)</b>				
Fund		19,500	50,000	69,500
<b>Cooperative Welfare (Federal)</b>				
Fund	<u>2,392,000</u>	<u>268,500</u>	<u>2,900,000</u>	<u>5,560,500</u>
TOTAL	\$2,656,800	\$329,300	\$3,400,000	\$6,386,100
GRAND TOTAL	\$67,295,400	\$12,252,300	\$59,858,400	\$139,406,100

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, each of the programs in the Department of Health and Welfare listed below is authorized no more than the following number of full-time equivalent positions at any point during the period July 1, 2022, through June 30, 2023, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Child Welfare .....	434.80
Community Developmental Disability Services .....	181.96
Southwest Idaho Treatment Center .....	121.75
Service Integration .....	35.00

SECTION 3. GENERAL FUND TRANSFERS. As appropriated, the Office of the State Controller shall periodically make transfers from the General Fund to the Cooperative Welfare Fund 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 appropriated in the trustee and benefit payments expense class shall not be transferred to any other expense classes during fiscal year 2023.

SECTION 5. PROGRAM INTEGRITY. Notwithstanding any other provision of law to the contrary, 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. EDUCATIONAL NEEDS. The Department of Health and Welfare shall be responsible for the educational needs of school-age children placed in its custody by the courts for either child protective issues or mental health issues. If the department places a child in a licensed residential treatment facility that includes a nonpublic accredited school and it is determined by the department that it is in the best interests of the child to be educated at the residential treatment facility, then it is the responsibility of the department to pay for such education per student, per educational day. Other Idaho state agencies shall not be precluded from exercising their responsibility to ensure a free and appropriate education for these students within the requirements of federal disability law. The fiscal impact of this section is included within existing department base appropriations.

SECTION 7. CHILD ABUSE PROTECTION TREATMENT ACT FUNDS. Of the amount appropriated in Section 1 of this act from the Cooperative Welfare (Federal) Fund, a minimum of \$42,000 of federal Child Abuse Protection Treatment Act (CAPTA) funds appropriated to the Department of Health and Welfare shall be provided to the public health districts each year. Funds for each public health district shall be distributed at one-seventh (1/7) of the total amount, which shall be used for the citizen review panels pursuant to Section 16-1647, Idaho Code.

SECTION 8. TRANSFER OF APPROPRIATIONS. Notwithstanding the provisions of Section 67-3511, Idaho Code, funding provided for the personnel costs expense class in the Division of Child Welfare shall not be transferred to any other budgeted program or expense class within the Department of Health and Welfare during fiscal year 2023.

SECTION 9. In addition to the appropriation made in Section 1, Chapter 163, Laws of 2021, and any other appropriation provided for by law, there is hereby appropriated to the Department of Health and Welfare for the Foster and Assistance Payments Program the following amounts to be expended for trustee and benefit payments from the listed funds for the period July 1, 2021, through June 30, 2022, for the purpose of foster care payments:

FROM:

Cooperative Welfare (General)	
Fund	\$821,100
Cooperative Welfare (Federal)	
Fund	<u>704,700</u>
TOTAL	\$1,525,800

SECTION 10. In addition to the appropriation made in Section 1, Chapter 163, Laws of 2021, and any other appropriation provided for by law, there is hereby appropriated \$13,150,000 from the Cooperative Welfare (General) Fund to the Department of Health and Welfare for the Southwest Idaho Treatment Center, to be expended for capital outlay, for the period July 1, 2021, through June 30, 2022, for the purpose of construction of new buildings at the Southwest Idaho Treatment Center.

SECTION 11. In addition to the appropriation made in Section 1, Chapter 163, Laws of 2021, and any other appropriation provided for by law, there is hereby appropriated \$65,000 from the Cooperative Welfare (General) Fund to the Department of Health and Welfare for the Southwest Idaho Treatment Center, to be expended for personnel costs, for the period July 1, 2021, through June 30, 2022, for the purpose of recruitment and retention of staff.

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

Approved March 24, 2022

CHAPTER 212  
(S.B. No. 1340)

AN ACT

RELATING TO THEFT; AMENDING SECTION 18-2402, IDAHO CODE, TO REVISE A DEFINITION AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 18-2402, Idaho Code, be, and the same is hereby amended to read as follows:

18-2402. DEFINITIONS. The following definitions are applicable to this chapter:

(1) "Appropriate." To "appropriate" property of another to oneself or a third person means:

(a) To exercise control over it, or to aid a third person to exercise control over it, permanently or for so extended a period or under such circumstances as to acquire the major portion of its economic value or benefit; or

(b) To dispose of the property for the benefit of oneself or a third person.

(2) "Deception" means knowingly to:

(a) Create or confirm another's impression which that is false and which that the offender does not believe to be true; or

(b) Fail to correct a false impression which that the offender previously has created or confirmed; or

(c) Prevent another from acquiring information pertinent to the disposition of the property involved; or

(d) Sell or otherwise transfer or encumber property, failing to disclose a lien, adverse claim, or other legal impediment to the enjoyment of the property whether such impediment is or is not valid, or is or is not a matter of official record; or

(e) Promise performance which that the offender does not intend to perform or knows will not be performed. Failure to perform, standing alone, is not evidence that the offender did not intend to perform.

(3) "Deprive." To "deprive" another of property means:

(a) To withhold it or cause it to be withheld from him permanently or for so extended a period or under such circumstances that the major portion of its economic value or benefit is lost to him; or

(b) To dispose of the property in such manner or under such circumstances as to render it unlikely that an owner will recover such property.

(4) "Obtain" means:

(a) In relation to property, to bring about a transfer of interest or possession, whether to the offender or to another; and

(b) In relation to labor or services, to secure the performance thereof.

(5) "Obtains or exerts control" over property, includes, but is not limited to, the taking, carrying away, or the sale, conveyance, or transfer of title to, or interest in, or possession of property.

(6) "Owner." When property is taken, obtained, or withheld by one (1) person from another person, an owner thereof means any person who has a right to possession thereof superior to that of the taker, obtainer, or withholder. "Owner" includes any person who physically delivers or transfers goods or property to a purchaser through an agreement or contract in which the purchaser has entered into fraudulently by having no intention to pay any amount for the goods or property. For the purposes of this chapter and regardless of any contrary provisions of chapter 2, title 28, Idaho Code, such owner retains a superior right to possession of such goods or property over the fraudulent purchaser.

(7) "Person" means an individual, corporation, association, public or private corporation, city or other municipality, county, state agency, or the state of Idaho.

(8) "Property" means anything of value. Property includes real estate, money, commercial instruments, admission or transportation tickets, written instruments representing or embodying rights concerning anything of value, labor or services, or otherwise of value to the owner; things growing on, affixed to, or found on land, or part of or affixed to any building; electricity, gas, steam, and water; birds, animals and fish, which ordinarily are kept in a state of confinement; food and drink; samples, cultures, microorganisms, specimens, records, recordings, documents, blueprints, drawings, maps, and whole or partial copies, descriptions, photographs, prototypes or models thereof; or any other articles, materials, devices, substances and whole or partial copies, descriptions, photographs, prototypes or models thereof which constitute, represent, evidence, reflect or record a secret scientific, technical, merchandising, production or management information, design, process, procedure, formula, invention, or improvement.

(9) "Service" includes, but is not limited to, labor, professional service, transportation service, the supplying of hotel accommodations, restaurant services, entertainment, (a communication system) the supplying of equipment for use, and the supplying of commodities of a public utility nature such as gas, electricity, steam and water. A ticket or equivalent instrument which that evidences a right to receive a service is not in itself service but constitutes property within the meaning of subsection (8) of this section.

(10) "Stolen property" means property over which control has been obtained by theft.

(11) "Value." The value of property shall be ascertained as follows:

(a) Except as otherwise specified in this section, value means the market value of the property at the time and place of the crime, or if such cannot be satisfactorily ascertained, the cost of replacement of the property within a reasonable time after the crime.

(b) Whether or not they have been issued or delivered, certain written instruments, not including those having a readily ascertainable market value such as some public and corporate bonds and securities, shall be evaluated as follows:

1. The value of an instrument constituting an evidence of debt, such as a check, draft or promissory note, shall be deemed the amount due or collectible thereon or thereby, such figure ordinarily being the face amount of the indebtedness less any portion thereof which has been satisfied.

2. The value of a ticket or equivalent instrument which that evidences a right to receive a transportation, entertainment or other service shall be deemed the price stated thereon, if any; and if no price is stated thereon, the value shall be deemed the price of such ticket or equivalent instrument which that the issuer charges the general public.

3. The value of any other instrument which that creates, releases, discharges or otherwise affects any valuable legal right, privilege or obligation shall be deemed the greatest amount of economic loss which the owner of the instrument might reasonably suffer by virtue of the loss of the instrument.

(c) When the value of property cannot be satisfactorily ascertained pursuant to the standards set forth in paragraphs (a) and (b) of this subsection, its value shall be deemed to be one thousand dollars (\$1,000) or less.

(d) For the purpose of establishing value of any written instrument, the interest of any owner or owners entitled to part or all of the property represented by such instrument, by reason of such instrument, may be shown, even if another owner may be named in the complaint, information or indictment.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 24, 2022



CHAPTER 213  
(S.B. No. 1311)

AN ACT

RELATING TO STATE SYMBOLS; AMENDING CHAPTER 45, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-4515, IDAHO CODE, TO DESIGNATE THE IDAHO CUT AS THE OFFICIAL STATE CUT OF IDAHO; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 45, 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 67-4515, Idaho Code, and to read as follows:

67-4515. STATE CUT DESIGNATED. The Idaho cut is hereby designated and declared to be the official state cut of the state of Idaho for faceted gemstones.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 24, 2022

CHAPTER 214  
(H.B. No. 584)

AN ACT

RELATING TO ANDERSON RANCH DAM; PROVIDING LEGISLATIVE INTENT REGARDING THE ANDERSON DAM RAISE PROJECT; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. LEGISLATIVE INTENT. The Legislature has provided funds to the Water Resource Board to complete a raise of Anderson Ranch Dam to add an additional 29,000 acre-feet of storage for this facility and finds, for purposes of Section 42-203A(5), Idaho Code, that the board's application for a water right for this Anderson Ranch raise project is made in good faith and not for delay or speculative purposes, is in the local public interest as defined in Section 42-202B, Idaho Code, is consistent with the conservation of water resources in the State of Idaho, and will not adversely affect the local economy of the Boise River watershed. The director of the Department of Water Resources is not required to make findings related to these criteria when evaluating the board's water right application.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 24, 2022

CHAPTER 215  
(H.B. No. 608)

AN ACT

RELATING TO STOCKWATER; AMENDING SECTION 42-224, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE FORFEITURE OF STOCKWATER RIGHTS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 42-224, Idaho Code, be, and the same is hereby amended to read as follows:

42-224. FORFEITURE OF STOCKWATER RIGHTS. (1) ~~Whenever~~ Within thirty (30) days of receipt by the director of the department of water resources receives of a petition making a prima facie showing, or finds, on his own initiative based on available information, or other information that a stockwater right has not been put to beneficial use for a term of five (5) years, the director must determine whether the petition or other information, or both, presents prima facie evidence that the stockwater right has been lost through forfeiture pursuant to section 42-222(2), Idaho Code. If the director determines the petition or other information, or both, is insufficient, he shall expeditiously issue an order to the stockwater right owner to show cause before the director why the stockwater right has not been lost through forfeiture pursuant to section 42-222(2), Idaho Code notify the petitioner of his determination, which shall include a reasoned statement in support of the determination, and otherwise disregard for the purposes of this subsection the other, insufficient, information.

(2) If the director determines the petition or other information, or both, contains prima facie evidence of forfeiture due to nonuse, the director must within thirty (30) days issue an order to the stockwater right owner to show cause before the director why the stockwater right has not been lost through forfeiture pursuant to section 42-222(2), Idaho Code. Any order to show cause shall must contain the director's findings of fact and a reasoned statement in support of the determination.

(3) The director shall must serve a copy of any order to show cause on the stockwater right owner by personal service or by certified mail with return receipt. Personal service may be completed by department personnel or a person authorized to serve process under the Idaho rules of civil procedure. Service by certified mail shall be complete upon receipt of the certified mail. If reasonable efforts to personally serve the order fail, or if the certified mail is returned unclaimed, the director may serve the order by publication by publishing a summary of the order once a week for two (2) consecutive weeks in a newspaper of general circulation in the county in which the point of diversion is located. Service by publication shall be complete upon the date of the last publication.

(4) If the order affects a stockwater right where all or a part of the place of use is a on federal or state grazing allotment lands, the director shall provide must mail by certified mail with return receipt a copy of the order to show cause to the holder or holders of any livestock grazing permit or lease for said allotment lands. However, the director shall not issue an order to show cause where the director has or receives written evidence signed by the principal and the agent, prior to issuance of said order, that a principal/agent relationship existed during the five (5) year term mentioned in subsection (1) of this section or currently exists between the owner of the water right as principal and a permittee or lessee as agent for the purpose of obtaining or maintaining the water right.

~~(5) The stockwater right owner shall have twenty-one (21) days from completion of service to request in writing a hearing pursuant to section 42-1701A, Idaho Code. If the stockwater right owner fails to timely respond to the order to show cause, the stockwater right shall be considered forfeited, and the director shall issue an order declaring the stockwater right to be forfeited pursuant to section 42-222(2), Idaho Code.~~

~~(6) The director may consider multiple stockwater rights held by a single owner in a single order to show cause.~~

(6) The stockwater right owner has twenty-one (21) days from completion of service of the order to show cause to request in writing a hearing pursuant to section 42-1701A(1) and (2), Idaho Code.

~~(7) If the stockwater right owner fails to timely requests a hearing, the hearing shall be in accordance with section 42-1701A, Idaho Code, and the rules of procedure promulgated by the director. If, after the hearing, the director confirms that the water right has been lost and forfeited pursuant to section 42-222(2), Idaho Code, the director shall issue an order declaring the water right forfeited. Judicial review of any decision of the director shall be in accordance with section 42-1701A, Idaho Code. respond to the order to show cause, the director must issue an order within fourteen (14) days regarding forfeiture stating the stockwater right has been forfeited pursuant to section 42-222(2), Idaho Code.~~

(8) If the stockwater right owner timely requests a hearing, the hearing shall be in accordance with section 42-1701A(1) and (2), Idaho Code, and the rules of procedure promulgated by the director. Following the hearing, the director must issue an order regarding forfeiture that sets forth findings of fact, conclusions of law, and a determination of whether the stockwater right has been forfeited pursuant to section 42-222(2), Idaho Code. The director must issue the order regarding forfeiture no later than forty-five (45) days after completion of the administrative proceeding.

(9) Any order determining that a stockwater right has been forfeited pursuant to subsection (7) or (8) of this section shall have no legal effect except as provided for in subsection (11) of this section. No judicial challenge to an order determining that a stockwater right has been forfeited pursuant subsection (7) or (8) of this section shall be allowed except within the civil action authorized in subsections (10) and (11) of this section.

(10) Within sixty (60) days after issuance of an order by the director determining that a stockwater right has been forfeited, the state of Idaho, by and through the office of the attorney general, must initiate a civil action by electronically filing in the district court for the fifth judicial district, Twin Falls county, the following: a complaint requesting a declaration that the stockwater right is forfeited; certified copies of the order regarding forfeiture; and the record of the administrative proceeding. A copy of the complaint and accompanying documents shall be served on the stockwater right holder who shall be named as the defendant in the action, all parties to the administrative proceeding, and any holder or holders of livestock grazing permits or leases for the place of use of the stockwater right for which the director possesses an address. Any person may move to intervene in the action pursuant to the Idaho rules of civil procedure, but only if such a motion is filed at least twenty-one (21) days before the date set for the hearing under the scheduling order.

(11) After the initiation of the civil action required by this section, the proceedings in the district court shall be like those in a civil action triable without right to a jury, provided that the department of water resources shall not be a party to the civil action but may appear as a witness to explain the basis for the director's forfeiture determination. In any such proceeding, the director's order determining forfeiture shall constitute prima facie evidence that the right has been forfeited but shall not change the standard of proof for forfeiture of the water right established by section 42-222(2), Idaho Code.

(12) At the conclusion of the action, the district court shall issue an order determining whether the stockwater right has been forfeited pursuant to section 42-222, Idaho Code. If the district court determines that the stockwater right has been forfeited, the court shall also enter a judgment that the stockwater right has been forfeited.

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

(a) "Stockwater right" means water rights for the watering of livestock meeting the requirements of section 42-1401A(11), Idaho Code.

(b) "Stockwater right owner" as used in this section means the owner of the stockwater right shown in the records of the department of water resources at the time of service of the order to show cause.

(914) This section applies to all stockwater rights except those stockwater rights decreed to the United States based on federal law.

~~(10) The director shall not issue an order to show cause, and shall not proceed under the provisions of this section, where the holder or holders of any livestock grazing permit or lease on a federal grazing allotment asserts a principal/agent relationship with the federal agency managing the grazing allotment.~~

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, 2022

CHAPTER 216  
(H.B. No. 555)

AN ACT

RELATING TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO; AMENDING SECTION 59-1302, IDAHO CODE, TO DEFINE A TERM; AMENDING SECTION 59-1322, IDAHO CODE, TO PROVIDE FOR SEPARATE RATES OF CONTRIBUTION FOR CERTAIN EMPLOYERS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 59-1333, IDAHO CODE, TO PROVIDE FOR SCHOOL EMPLOYEES AND TO REMOVE A PROVISION REGARDING SPECIFIED MEMBER RATES; AMENDING SECTION 59-1334, IDAHO CODE, TO REMOVE A PROVISION REGARDING SPECIFIED MEMBER RATES; AMENDING CHAPTER 13, TITLE 59, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 59-1335, IDAHO CODE, TO PROVIDE FOR CONTRIBUTIONS FROM SCHOOL EMPLOYEES; AMENDING SECTION 59-1356, IDAHO CODE, TO PROVIDE FOR REEMPLOYMENT WITH AN EMPLOYER PARTICIPATING IN THE PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO AND TO MAKE TECHNICAL CORRECTIONS; REPEALING SECTION 59-1371, IDAHO CODE, RELATING TO DEFINITIONS; REPEALING SECTION 59-1372, IDAHO CODE, RELATING TO THE TRANSFER OF ALL ASSETS, LIABILITIES, DUTIES, OBLIGATIONS, AND RIGHTS TO EMPLOYEE SYSTEM; REPEALING SECTION 59-1373, IDAHO CODE, RELATING TO ACCUMULATED TEACHER MEMBER CONTRIBUTIONS, REMAINING CONTRIBUTIONS, AND MEMBERSHIP SERVICE CREDIT; REPEALING SECTION 59-1374, IDAHO CODE, RELATING TO EMPLOYERS, MEMBERS, AND EXCEPTIONS; REPEALING SECTION 59-1375, IDAHO CODE, RELATING TO ANNUITANTS AND CONTRIBUTIONS IN LIEU OF THE REQUIREMENT OF SIX MONTHS OF MEMBERSHIP SERVICE; REPEALING SECTION 59-1376, IDAHO CODE, RELATING TO BENEFITS TO TEACHER MEMBERS; AMENDING SECTION 33-2101A, IDAHO CODE, TO REMOVE CODE REFERENCES; AND DECLARING AN EMERGENCY AND PROVIDING EFFECTIVE DATES.

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

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

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

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

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

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

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

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

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

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

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

(i) The highest average salary; and

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

A. Military service;

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

C. Worker's compensation income benefits.

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

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

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

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

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

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

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

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

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

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

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

(12) "Disabled" means:

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

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

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

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

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

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

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

(14) (A) "Employee" means:

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

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

(c) A person who is separated from service with fewer than five (5) consecutive months of employment and who is reemployed or reinstated by the same employer within thirty (30) days; or

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

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

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

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

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

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

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

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

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

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

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

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

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

(16) "Firefighter" means:

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

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

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

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

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

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

(20A) "Ineligible" means:

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

(31) (A) "Salary" means:

(a) The total salary or wages paid to a person who meets the definition of employee by an employer for personal services performed and reported

by the employer for income tax purposes, including the cash value of all remuneration in any medium other than cash.

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

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

(C) "Salary" does not include:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

is vested without regard to the length of credited service.

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

SECTION 2. That Section 59-1322, Idaho Code, be, and the same is hereby amended to read as follows:

59-1322. EMPLOYER CONTRIBUTIONS -- AMOUNTS -- RATES -- AMORTIZATION. (1) Each employer shall contribute to the cost of the system. The amount of the employer contributions shall consist of the sum of a percentage of the salaries of members to be known as the "normal cost" and a percentage of such salaries to be known as the "amortization payment." The rates of such contributions shall be determined by the board on the basis of assets and liabilities as shown by actuarial valuation, and such rates shall become effective no later than January 1 of the second year following the year of the most recent actuarial valuation, and shall remain effective until next determined by the board.

(2) The normal cost rate shall be computed to be sufficient, when applied to the actuarial present value of the future salary of the average new member entering the system, to provide for the payment of all prospective benefits in respect to such member, which benefits are not provided by the member's own contribution.

(3) The amortization rate shall not be less than the minimum amortization rate computed pursuant to subsection (5) of this section, unless a one (1) year grace period has been made effective by the board. During a grace period, the amortization rate shall be no less than the rate in effect during the immediately preceding year. A grace period may not be made effective if more than one (1) other grace period has been effective in the immediately preceding four (4) year period.

(4) Each of the following terms used in this subsection and in subsection (5) of this section shall have the following meanings:

(a) "Valuation" means the most recent actuarial valuation.

(b) "Valuation date" means the date of such valuation.

(c) "Effective date" means the date the rates of contributions based on the valuation become effective pursuant to subsection (1) of this section.

(d) "End date" means the date thirty (30) years after the valuation date until July 1, 1993. On and after July 1, 1993, "end date" means twenty-five (25) years after the valuation date.

(e) "Unfunded actuarial liability" means the excess of the actuarial present value of (i) over the sum of the actuarial present values of (ii), (iii), (iv) and (v) as follows, all determined by the valuation as of the valuation date:

(i) all future benefits payable to all members and contingent annuitants;

- (ii) the assets then held by the funding agent for the payment of benefits under this chapter;
- (iii) the future normal costs payable in respect of all then active members;
- (iv) the future contributions payable under sections 59-1331 through 59-1334, Idaho Code, by all current active members;
- (v) the future contributions payable to the retirement system under sections 33-107A and 33-107B, Idaho Code.

(f) "Projected salaries" means the sum of the annual salaries of all members in the system.

(g) "Scheduled amortization amount" means the actuarial present value of future contributions payable as amortization payment from the valuation date until the effective date.

(5) The minimum amortization payment rate shall be that percentage, calculated as of the valuation date, of the then actuarial present value of the projected salaries from the effective date to the end date which is equivalent to the excess of the unfunded actuarial liability over the scheduled amortization amount.

(6) The board, in its discretion, may determine separate rates of contribution for employers as described in subsection (1) of this section for each of the following groups in accordance with differences in normal costs between the groups:

- (a) Police officers and firefighters;
- (b) School employees; and
- (c) All other members.

SECTION 3. That Section 59-1333, Idaho Code, be, and the same is hereby amended to read as follows:

59-1333. CONTRIBUTIONS FROM EMPLOYEES. The contribution for a member who is not classified as a police officer, ~~or firefighter, or school employee~~ shall be sixty percent (60%) of the employer contribution rate determined pursuant to section 59-1322, Idaho Code, and rounded to the nearest one hundredth percent (.01%) of salary; ~~provided, however, that such member rate effective October 1, 1985, shall remain at five and thirty-four hundredths percent (5.34%) of salary until the first time after October 1, 1985, that the employer rate is changed from eight and eighty-nine hundredths percent (8.89%) of salary.~~ The board is specifically authorized to certify to the state controller the necessary adjustments in the rate of member contributions.

SECTION 4. That Section 59-1334, Idaho Code, be, and the same is hereby amended to read as follows:

59-1334. CONTRIBUTIONS -- FROM POLICEMEN AND FIREFIGHTERS. The contribution for a member who is classified as a police officer or firefighter shall be seventy-two percent (72%) of the employer contribution rate determined pursuant to section 59-1322, Idaho Code, and rounded to the nearest one hundredth percent (.01%) of salary; ~~provided, however, that such member rate effective October 1, 1985, shall remain at six and forty hundredths percent (6.40%) of salary until the first time after October 1, 1985, that the employer rate is changed from eight and eighty-nine hundredths percent (8.89%) of salary.~~ The board is specifically authorized to certify to the state controller the necessary adjustments in the rate of member contributions.

SECTION 5. That Chapter 13, Title 59, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 59-1335, Idaho Code, and to read as follows:

59-1335. CONTRIBUTIONS -- FROM SCHOOL EMPLOYEES. The contribution for a member who is classified as a school employee as defined in section 59-1302(31A), Idaho Code, shall be sixty percent (60%) of the employer contribution rate determined pursuant to section 59-1322, Idaho Code, and rounded to the nearest one hundredth percent (.01%) of salary. The board is specifically authorized to certify to the state controller the necessary adjustments in the rate of member contributions.

SECTION 6. 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~~ an employer participating in the public employee retirement system of Idaho within ninety (90) days from retiring, or the early retired member is guaranteed reemployment with ~~the same~~ an employer participating in the public employee retirement system of Idaho, 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~~ an employer participating in the public employee retirement system of Idaho in any capacity, including, but not limited to, independent contractor, leased employee, or temporary services.

(2) Except as provided in subsection (3), (4), and (5) 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 to 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 schoolteacher, ~~person qualified to drive school buses,~~ or administrator school employee, as defined in section 59-1302(31A), Idaho Code, who retired on or after age sixty (60) years, or a retired public safety officer who retired returns to work as a school employee as defined in section 59-1302(31A), Idaho Code, 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) If a retired member as defined in section 59-1302(27), Idaho Code, who retired prior to January 1, 2022, and retired on or after age fifty-five (55) years, or retired on or after age fifty (50) years for police officer or firefighter members, again becomes an employee as defined in this section and in section 59-1302(14), Idaho Code, as a result of returning to employment with an employer as defined in section 59-1302(15), Idaho Code, the retired member may elect to continue receiving benefits and not to accrue additional service. In such a situation, no contributions shall be made by the member during the reemployment and any benefit payable on behalf of such member shall continue. This subsection shall no longer be in force and effect after June 30, 2026, however, the other provisions of this section shall remain in full force and effect and shall remain applicable to all employment.

(6) 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.~~

SECTION 7. That Section 59-1371, Idaho Code, be, and the same is hereby repealed.

SECTION 8. That Section 59-1372, Idaho Code, be, and the same is hereby repealed.

SECTION 9. That Section 59-1373, Idaho Code, be, and the same is hereby repealed.

SECTION 10. That Section 59-1374, Idaho Code, be, and the same is hereby repealed.

SECTION 11. That Section 59-1375, Idaho Code, be, and the same is hereby repealed.

SECTION 12. That Section 59-1376, Idaho Code, be, and the same is hereby repealed.

SECTION 13. That Section 33-2101A, Idaho Code, be, and the same is hereby amended to read as follows:

33-2101A. JUNIOR COLLEGE SHALL MEAN COMMUNITY COLLEGE. Notwithstanding any other provision of law, in sections 21-805, 21-806, 21-809, 23-404, 31-808, 33-101, 33-107, 33-107B, 33-601, 33-1252, 33-2101, 33-2102, 33-2103, 33-2104, 33-2105, 33-2106, 33-2107, 33-2107A, 33-2107B, 33-2107C, 33-2108, 33-2109A, 33-2110, 33-2110A, 33-2110B, 33-2111, 33-2112, 33-2113, 33-2114, 33-2115, 33-2116, 33-2117, 33-2118, 33-2119, 33-2121, 33-2122, 33-2123, 33-2124, 33-2125, 33-2126, 33-2130, 33-2135, 33-2137, 33-2138, 33-2139, 33-2141, 33-2142, 33-2143, 33-2144, 33-2211, 33-3716, 33-4001,

33-4003, 33-4004, 33-4006, 33-4201, 46-314, 50-1721, 57-1105A, 59-1324, 59-1371, 59-1374, 67-2320, 67-2322 and 67-5332, Idaho Code, the term "junior college" shall mean and shall be denoted as "community college."

SECTION 14. An emergency existing therefor, which emergency is hereby declared to exist, Section 6 of this act shall be in full force and effect on and after April 1, 2022; and Sections 1 through 5 and 7 through 13 of this act shall be in full force and effect on and after July 1, 2022.

Approved March 24, 2022

CHAPTER 217  
(H.B. No. 527)

AN ACT

RELATING TO DRIVER'S LICENSES; AMENDING SECTION 49-306, IDAHO CODE, TO PROVIDE FOR UNITED STATES CITIZENSHIP; AMENDING SECTION 49-315, IDAHO CODE, TO PROVIDE FOR UNITED STATES CITIZENSHIP; AMENDING SECTION 49-321, IDAHO CODE, TO PROVIDE FOR PROOF OF UNITED STATES CITIZENSHIP AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 49-2444, IDAHO CODE, TO PROVIDE FOR UNITED STATES CITIZENSHIP STATUS AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 49-306, Idaho Code, be, and the same is hereby amended to read as follows:

49-306. APPLICATION FOR DRIVER'S LICENSE, INSTRUCTION PERMIT, COMMERCIAL LEARNER'S PERMIT OR RESTRICTED SCHOOL ATTENDANCE DRIVING PERMIT. (1) Every application for any instruction permit, restricted school attendance driving permit, or for a driver's license shall be made upon a form furnished by the department and shall be verified by the applicant before a person authorized to administer oaths. Officers and employees of the department, agents authorized by the department, and sheriffs and their deputies are authorized to administer the oaths without charge. Every application for a permit, extension or driver's license shall be accompanied by the following fee, none of which is refundable:

- (a) Class A, B, C (4-year) license with endorsements -- age 21 years and older ..... \$40.00
- (b) Class A, B, C (3-year) license with endorsements -- age 18 to 21 years ..... \$30.00
- (c) Class A, B, C (1-year) license with endorsements -- age 20 years ..... \$15.00
- (d) Class D (3-year) license -- under age 18 years ..... \$30.00
- (e) Class D (3-year) license -- age 18 to 21 years ..... \$30.00
- (f) Class D (1-year) license -- age 17 years or age 20 years .... \$20.00
- (g) Four-year Class D license -- age 21 years and older ..... \$35.00
- (h) Eight-year Class D license -- age 21 to 63 years ..... \$60.00
- (i) Commercial learner's permit ..... \$29.00
- (j) Class D instruction permit or supervised instruction permit ..... \$20.00
- (k) Duplicate driver's license or permit issued under section 49-318, Idaho Code ..... \$20.00
- (l) Driver's license extension issued under section 49-319, Idaho Code ..... \$10.00

(m) License classification change (upgrade) .....	\$30.00
(n) Endorsement addition .....	\$20.00
(o) Class A, B, C skills tests not more than .....	\$200.00
(p) Class D skills test not more than .....	\$35.00
(q) Motorcycle endorsement skills test not more than .....	\$25.00
(r) Knowledge test .....	\$ 5.00
(s) Seasonal driver's license .....	\$44.00
(t) Onetime motorcycle "M" endorsement .....	\$15.00
(u) Motorcycle endorsement instruction permit .....	\$15.00
(v) Restricted driving permit or restricted school attendance driving permit .....	\$60.00

(2) A person who applies for a driver's license or a driver's license renewal may designate a voluntary contribution of two dollars (\$2.00) for the purpose of promoting and supporting organ donation. Such a contribution shall be treated as a voluntary contribution to the organ donation contribution fund created in section 49-2447, Idaho Code, and not as a driver's license fee.

(3) Every application shall state the true and full name, date of birth, sex, declaration of Idaho residency, Idaho residence address and mailing address, if different, of the applicant, height, weight, hair color, and eye color, and the applicant's social security number as verified by the social security administration. If an applicant has submitted an application pursuant to the provisions of chapter 58, title 19, Idaho Code, then the applicant may state, in his or her application pursuant to this section, the applicant's alternative Idaho mailing address in place of his or her Idaho residence address and mailing address. Notwithstanding the provisions of section 49-303(13), Idaho Code, an applicant for a nondomiciled class A, B or C driver's license or nondomiciled commercial learner's permit having residency in a state that is prohibited from issuing class A, B or C driver's licenses or commercial learner's permits, as provided in 49 CFR 384, is excepted from providing proof of Idaho residency and an Idaho mailing address.

(a) The requirement that an applicant provide a social security number as verified by the social security administration shall apply only to applicants who have been assigned a social security number.

(b) An applicant who has not been assigned a social security number shall:

- (i) Present written verification from the social security administration that the applicant has not been assigned a social security number; and
- (ii) Submit a birth certificate, passport or other documentary evidence issued by an entity other than a state or the United States; and
- (iii) Submit such proof as the department may require that the applicant is lawfully present in the United States.

A driver's license, commercial learner's permit or any instruction permit issued on and after January 1, 1993, shall not contain an applicant's social security number. Applications on file shall be exempt from disclosure except as provided in sections 49-202, 49-203, 49-203A and 49-204, Idaho Code.

(c) Every application for a class A, B or C license shall state where the applicant has been licensed for the preceding ten (10) years and under which of the following driving categories the applicant will operate:

- (i) Non-excepted interstate. The applicant operates or expects to operate in interstate commerce, and is required to provide a medical examiner's certificate;
- (ii) Excepted interstate. The applicant operates or expects to operate in interstate commerce, but engages exclusively in transportation or operations excepted by the federal motor carrier safety administration from all or parts of the qualification



requirements of federal motor carrier safety regulation 49, part 391, and is therefore not required to provide a medical examiner's certificate;

(iii) Non-excepted intrastate. The applicant operates only in intrastate commerce and is subject to and meets all Idaho driver qualification requirements and the applicable parts of federal motor carrier safety regulation 49, part 391, and is required to provide a medical examiner's certificate; or

(iv) Excepted intrastate. The applicant operates in intrastate commerce, but engages exclusively in exempted transportation or operations as listed in section 67-2901B(2), Idaho Code, and the applicable parts of federal motor carrier safety regulation 49, part 391, and is therefore not required to provide a medical examiner's certificate.

All applications shall also state whether the applicant has previously been licensed as a driver, and if so, when and by what state or country, and whether a driver's license or privileges have ever been suspended, revoked, denied, disqualified, canceled or whether an application has ever been refused, and if so, the date of and reason for the suspension, revocation, denial, disqualification, cancellation or refusal and the applicant's oath that all information is correct as signified by the applicant's signature.

(d) The applicant must submit proof of identity and citizenship status acceptable to the examiner or the department and date of birth as set forth in a certified copy of his birth certificate. When a certified copy of his birth certificate or a delayed birth certificate is impossible to obtain from a vital statistics agency, another government-issued document may be submitted that provides satisfactory evidence of a person's full legal name and date of birth acceptable to the examiner or the department.

(e) Every applicant for a class A, B or C driver's license or commercial learner's permit shall provide proof of United States citizenship or lawful permanent residency in the United States upon application for issuance, transfer, upgrade or renewal, unless the applicant's driving record already contains documentation confirming United States citizenship or lawful permanent residency. Every applicant for a nondomiciled class A, B or C driver's license or commercial learner's permit domiciled in a foreign country must provide an unexpired employment authorization document issued by the department of homeland security or an unexpired foreign passport accompanied by an approved I-94 form documenting the applicant's most recent admittance into the United States.

(f) Individuals required to register in compliance with section 3 of the federal military selective service act, 50 U.S.C. App. 451 et seq., as amended, shall be provided an opportunity to fulfill such registration requirements in conjunction with an application for a driver's license, commercial learner's permit or instruction permit. Any registration information so supplied shall be transmitted by the department to the selective service system.

(4) Whenever an application is received from a person previously licensed in another jurisdiction, the department shall request a copy of the driver's record from the other jurisdiction and shall contact the national driver register. When received, the driver's record from the previous jurisdiction shall become a part of the driver's record in this state with the same force and effect as though entered on the driver's record in this state in the original instance.

(5) Whenever the department receives a request for a driver's record from another licensing jurisdiction, the record shall be forwarded without charge.

(6) The department shall contact and notify the commercial driver license information system of the proposed application for a class A, B or C driver's license or commercial learner's permit to ensure identification of the person and to obtain clearance to issue the license.

(7) When the fees required under this section are collected by a county officer, they shall, except as provided in subsection (8) of this section, be paid over to the county treasurer not less often than monthly, who shall immediately:

(a) Deposit an amount equal to five dollars (\$5.00) from each commercial license, ten dollars (\$10.00) from each driver's license except an eight-year class D license, or any class D instruction permit application fees, application for a duplicate driver's license or permit, classification change, seasonal driver's license and additional endorsement, and fifteen dollars (\$15.00) from each eight-year class D driver's license, in the current expense fund;

(b) Deposit two dollars and fifty cents (\$2.50) from each motorcycle endorsement and motorcycle endorsement instruction permit fee in the current expense fund;

(c) Deposit an amount equal to five dollars (\$5.00) from each fee for a knowledge test in the current expense fund;

(d) Deposit an amount up to twenty-five dollars (\$25.00) from each fee for a motorcycle endorsement skills test in the current expense fund; provided however, if a contractor administers the skills test he shall be entitled to the entire fee;

(e) Remit the remainder to the state treasurer; and

(f) Deposit up to twenty-eight dollars and fifty cents (\$28.50) from each fee for a class D skills test into the county current expense fund, unless the test is administered by a department-approved contractor, in which case the contractor shall be entitled to up to twenty-eight dollars and fifty cents (\$28.50) of each fee.

(8) When the fees required under this section are collected by the department or an agent authorized by the department, they shall be paid over to the state treasurer. When the department or an agent authorized by the department collects the fees required under this section, the portion of fees to be retained by the county shall be retained by the issuing authorized agent.

(9) The state treasurer shall distribute the moneys received from fees imposed by the provisions of this section, whether collected by a county officer or by a state officer or agency as follows:

(a) Two dollars (\$2.00) of each fee for a four-year driver's license or seasonal driver's license, and four dollars (\$4.00) of each fee for an eight-year class D driver's license, and one dollar and fifty cents (\$1.50) of each fee charged for driver's licenses pursuant to subsection (1) (b), (d) and (e) of this section, and fifty cents (50¢) of each fee charged for driver's licenses pursuant to subsection (1) (c) and (f) of this section shall be deposited in the emergency medical services fund II created in section 56-1018A, Idaho Code, and four dollars (\$4.00) of each fee charged pursuant to subsection (1) (a), (g) and (s) of this section and eight dollars (\$8.00) of each fee charged pursuant to subsection (1) (h) of this section and three dollars (\$3.00) of each fee for driver's licenses pursuant to subsection (1) (b), (d) and (e) of this section, and one dollar (\$1.00) of each fee charged for driver's licenses pursuant to subsection (1) (c) and (f) of this section shall be deposited in the emergency medical services fund III created in section 56-1018B, Idaho Code;

(b) Twenty-eight dollars (\$28.00) of each fee for a seasonal or class A, B or C driver's license, and nineteen dollars and fifty cents (\$19.50) of each fee charged for a license pursuant to subsection (1) (b) of this section, and eight dollars and sixteen cents (\$8.16) of each fee charged

for a license pursuant to subsection (1) (c) of this section shall be deposited in the state highway account;

(c) Twenty dollars (\$20.00) of each fee for a commercial learner's permit or driver's license classification change shall be deposited in the state highway account;

(d) Four dollars (\$4.00) of each fee for a commercial learner's permit shall be deposited in the emergency medical services fund III created in section 56-1018B, Idaho Code;

(e) Ten dollars (\$10.00) of each fee for a duplicate seasonal or class A, B or C driver's license, class A, B or C driver's license extension, or additional endorsement shall be deposited in the state highway account;

(f) Seven dollars and fifty cents (\$7.50) of each fee for a motorcycle endorsement and motorcycle endorsement instruction permit shall be deposited in the state highway account;

(g) Five dollars and thirty cents (\$5.30) of each fee for a four-year class D driver's license, and ten dollars and sixty cents (\$10.60) of each fee for an eight-year class D driver's license, and four dollars (\$4.00) of each fee charged for a license pursuant to subsection (1) (d) and (e) of this section, and one dollar and thirty-three cents (\$1.33) of each fee charged for a license pursuant to subsection (1) (f) of this section shall be deposited in the driver training account;

(h) Twelve dollars and seventy cents (\$12.70) of each fee for a four-year class D driver's license, and twenty dollars and forty cents (\$20.40) of each fee for an eight-year class D driver's license, and ten dollars and fifty cents (\$10.50) of each fee charged for a license pursuant to subsection (1) (d) and (e) of this section, and six dollars and eighty-three cents (\$6.83) of each fee charged for a license pursuant to subsection (1) (f) of this section shall be deposited in the highway distribution account;

(i) Two dollars and sixty cents (\$2.60) of each fee for a class D instruction permit, duplicate class D license or permit, and class D license extension shall be deposited in the driver training account;

(j) Seven dollars and forty cents (\$7.40) of each fee for a class D instruction permit, duplicate class D license or permit, and class D license extension shall be deposited in the highway distribution account;

(k) Ten dollars (\$10.00) of each fee for a class A, B or C skills test shall be deposited in the state highway account;

(l) One dollar (\$1.00) of each fee for a class A, B, C or four-year D driver's license, and two dollars (\$2.00) of each fee for an eight-year class D driver's license, and one dollar (\$1.00) of each fee charged for a license pursuant to subsection (1) (b), (d) and (e) of this section, and thirty-four cents (34¢) of each fee charged for a license pursuant to subsection (1) (c) and (f) of this section shall be deposited in the motorcycle safety program fund established in section 33-4904, Idaho Code;

(m) Six dollars and fifty cents (\$6.50) of each fee for a class D skills test shall be deposited into the state highway account; and

(n) Each voluntary contribution of two dollars (\$2.00) as described in subsection (2) of this section, less actual administrative costs associated with collecting and transferring such contributions, shall be deposited into the organ donation contribution fund created in section 49-2447, Idaho Code.

(10) The contractor administering a class A, B or C skills test shall be entitled to not more than one hundred ninety dollars (\$190) of the skills test fee. A contractor administering a class A, B or C skills test may collect an additional fee for the use of the contractor's vehicle for the skills test.

(11) Sixty dollars (\$60.00) of each restricted driving permit and each restricted school attendance driving permit shall be deposited in the state highway account.

(12) The department may issue seasonal class B or C driver's licenses to drivers who are employees of agri-chemical businesses, custom harvesters, farm retail outlets and suppliers, and livestock feeders that:

- (a) Will only be valid for driving commercial vehicles that normally require class B or C commercial driver's licenses;
- (b) Will be valid for seasonal periods that begin on the date of issuance and that are not to exceed one hundred eighty (180) days in a twelve (12) month period;
- (c) May only be obtained twice in a driver's lifetime;
- (d) Are valid only within a one hundred fifty (150) mile radius of the place of business or farm being serviced; and
- (e) Will be valid only in conjunction with valid Idaho class D driver's licenses.

(13) The department may issue seasonal class B or C driver's licenses to drivers who:

- (a) Have not violated the single license provisions of applicable federal regulations;
- (b) Have not had any license suspensions, revocations or cancellations;
- (c) Have not had any convictions in any vehicle for any offense listed in section 49-335(1) or (2), Idaho Code, or any one (1) serious traffic offense;
- (d) Have at least one (1) year of driving experience with a class D or equivalent license in any type motor vehicle; and
- (e) Are at least sixteen (16) years old.

SECTION 2. That Section 49-315, Idaho Code, be, and the same is hereby amended to read as follows:

49-315. LICENSES ISSUED TO DRIVERS. (1) The department shall issue to every qualifying applicant a distinguishing driver's license as applied for, which shall bear a distinguishing number assigned to the licensee, the full name, date of birth, Idaho residence address, sex, weight, height, eye color, hair color, color photograph, name of this state, date of issuance, date of expiration, license class, endorsements, restrictions, and the applicant's signature. If an applicant has submitted an application pursuant to the provisions of chapter 58, title 19, Idaho Code, then the applicant's driver's license shall contain his or her alternative Idaho mailing address in place of his or her Idaho residence address. Driver's licenses for persons under eighteen (18) years of age shall include a notation "under 18 until (month, day, year)," and driver's licenses for persons eighteen (18) years of age to twenty-one (21) years of age shall include a notation "under 21 until (month, day, year)." No driver's license shall be valid until it has been signed on the signature line of the license by the licensee. Driver's licenses for persons who are United States citizens may include the notation "USA."

(2) Every driver's license shall bear a color photograph of the licensee, which shall be taken by the examiner at the time the application is made. The photograph shall be taken without headgear or other clothing or device that disguises or otherwise conceals the face or head of the applicant. A waiver may be granted by the department allowing the applicant to wear headgear or other head covering for medical, religious or safety purposes as long as the face is not disguised or otherwise concealed. At the request of the applicant, a driver's license may contain a statement or indication of the medical condition of the licensee.

(3) The department shall notify the commercial driver license information system that a class A, B or C driver's license has been issued as required by 49 CFR parts 383 and 384.

(4) A licensee applying for a hazardous material endorsement on a driver's license shall have a security background records check and shall receive clearance from the federal transportation security administration before the endorsement can be issued, renewed or transferred as required by 49 CFR part 383, subject to procedures established by the federal transportation security administration.

(5) A licensee who desires to donate any or all organs or tissue in the event of death, and who has completed a document of gift pursuant to the provisions for donation of anatomical gifts as set forth in chapter 34, title 39, Idaho Code, may, at the option of the donor, indicate this desire on the driver's license by the imprinting of the word "donor" on the license. The provisions of this subsection shall apply to licensees fifteen (15) years of age or older but less than eighteen (18) years of age if the requirements provided in chapter 34, title 39, Idaho Code, have been complied with and the donor indicates this desire be placed on the license.

(6) A licensee who is a person with a permanent disability may request that the notation "permanently disabled" be imprinted on the driver's license, provided the licensee presents written certification from a licensed physician verifying that the licensee's stated impairment qualifies as a permanent disability according to the provisions of section 49-117, Idaho Code.

(7) A licensee who is a veteran may request that his or her status as such be designated on the driver's license at no additional cost. Any such request shall be accompanied by proof of being a current or former member of the United States armed forces. Upon request and submission of satisfactory proof, the department shall indicate such person's status as a veteran on any class of driver's license issued pursuant to this section. Such designation shall be made upon original issuance or renewal of a driver's license. Designation shall also be made on any duplicate driver's license issued, provided that the fee for such duplicate driver's license is paid in accordance with section 49-306, Idaho Code.

Satisfactory proof of being a current or former member of the United States armed forces must be furnished by an applicant to the department before a designation of veteran status will be indicated on any class of driver's license. Acceptable proof shall be a copy of form DD214 or an equivalent document or statement from the department of veterans affairs that identifies a character of service upon separation as "honorable" or "general under honorable conditions."

SECTION 3. That Section 49-321, Idaho Code, be, and the same is hereby amended to read as follows:

49-321. RECORDS TO BE KEPT BY THE DEPARTMENT. (1) The department shall file every application for a driver's license received by it and shall maintain suitable indices containing:

(a) All applications denied and on each note the reason for denial;

(b) All applications granted;

(c) The name of every licensee whose driver's license has been suspended, revoked, canceled, denied or disqualified by the department and after each name note the reasons for the action;

(d) The driver's license number for the applicant; and

(e) The social security number of the applicant; and

(f) Record of the proof relied upon by the department in determining the applicant's status as a United States citizen or non-United States citizen.

(2) The department shall file the original or copy of the medical examiner's certificates, medical exemption letters and skill performance evaluation certificates of all commercial driver's license or instruction permit holders required to provide documentation of their physical qualification. The department shall maintain the document(s) for a period of three (3) years beyond the date the certificate or document was issued.

(3) The department shall also file all accident reports and abstracts of court records of convictions received by it under the law from any jurisdiction and is authorized to forward records of convictions, suspensions or disqualifications to any jurisdiction. Records may be in either paper or electronic form. The department shall maintain convenient records or make suitable notations in order that an individual record of each licensee showing the convictions and the traffic accidents in which the licensee has been involved shall be readily ascertainable and available for consideration of the department upon any application for renewal of a driver's license and at other suitable times.

(4) The department of health and welfare, on or about the 25th day of each month, shall, upon the request of the department, furnish the department a listing showing the name, age, county of residence, and residence address of each Idaho resident who has died during the preceding month. The listing shall be used only for purposes of updating the driver's license files of the department and shall be subject to disclosure according to chapter 1, title 74, Idaho Code.

(5) The department, upon request by the office of the secretary of state, shall provide the office of the secretary of state with a digital copy of the driver's license or identification card signature of a person who is an applicant for voter registration pursuant to section 34-409, Idaho Code.

SECTION 4. That Section 49-2444, Idaho Code, be, and the same is hereby amended to read as follows:

49-2444. IDENTIFICATION CARD ISSUED -- FOUR-YEAR OR EIGHT-YEAR. (1) The department shall issue a distinguishing identification card that shall set forth the information contained in the application, in a form as prescribed by the department. All identification cards issued on or after January 1, 1993, shall not contain the applicant's social security number. An applicant's social security number shall be exempt from disclosure except for inquiries from agencies or institutions authorized to obtain such information by federal law or regulation, from peace officers, or from jury commissioners. Each card shall have printed on it the applicant's full name, date of birth, Idaho residence address, sex, weight, height, eye color, and hair color and shall be issued a distinguishing number assigned to the applicant. If an applicant has submitted an application pursuant to the provisions of chapter 58, title 19, Idaho Code, then the applicant's identification card shall contain his or her alternative Idaho mailing address in place of his or her Idaho residence address. Each card shall also have printed on

it the name of this state, the date of issuance, and the date of expiration. An identification card shall not be valid until it has been signed on the signature line by the applicant. Each card shall bear upon it a color photograph of the applicant, which shall be taken by the examiner at the time of application. The photograph shall be taken without headgear or other clothing or device that disguises or otherwise conceals the face or head of the applicant. A waiver may be granted by the department allowing the applicant to wear headgear or other head covering for medical, religious or safety purposes as long as the face is not disguised or otherwise concealed. At the request of the applicant, an identification card may contain a statement or indication of the medical condition of the applicant.

(2) No person shall receive an identification card unless and until he surrenders to the department all identification cards in his possession issued to him by Idaho or any other jurisdiction, or any driver's license issued by any other jurisdiction within the United States, or until he executes an affidavit that he does not possess an identification card or any driver's license.

(3) Identification cards issued to persons under eighteen (18) years of age shall include a notation "under 18 until (month, day, year)," and identification cards issued to persons eighteen (18) years of age to twenty-one (21) years of age shall include a notation "under 21 until (month, day, year)." The nonrefundable fee for a four (4) year identification card issued to persons twenty-one (21) years of age or older shall be fifteen dollars (\$15.00), of which ten dollars (\$10.00) shall be retained by the county and credited to the current expense fund, and five dollars (\$5.00) shall be deposited in the state treasury to the credit of the highway distribution account. The nonrefundable fee for identification cards issued to persons under twenty-one (21) years of age shall be ten dollars (\$10.00), of which five dollars (\$5.00) shall be retained by the authorized issuing agent or, if issued by the county, shall be credited to the current expense fund, and five dollars (\$5.00) shall be deposited in the state treasury to the credit of the highway distribution account. The nonrefundable fee for an eight (8) year identification card shall be twenty-five dollars (\$25.00), of which fifteen dollars (\$15.00) shall be retained by the authorized issuing agent or, if issued by the county, shall be credited to the current expense fund, and ten dollars (\$10.00) shall be deposited in the state treasury to the credit of the highway distribution account. At the option of the applicant, the identification card issued to a person twenty-one (21) years of age or older shall expire either on the card holder's birthday in the fourth year or the eighth year following issuance of the card, except as otherwise provided in subsection (37) of this section. Every identification card issued to a person under eighteen (18) years of age shall expire five (5) days after the person's eighteenth birthday, except as otherwise provided in subsection (37) of this section. Every identification card issued to a person eighteen (18) years of age but under twenty-one (21) years of age shall expire five (5) days after the person's twenty-first birthday, except as otherwise provided in subsection (37) of this section.

(4) Individuals required to register in compliance with section 3 of the federal military selective service act, 50 U.S.C. App. 451 et seq., as amended, shall be provided an opportunity to fulfill such registration requirements in conjunction with an application for an identification card. Any registration information so supplied shall be transmitted by the department to the selective service system.

(25) Every identification card, except those issued to persons under twenty-one (21) years of age, shall be renewable on or before its expiration, but not more than twenty-five (25) months before, and upon application and payment of the required fee.

(36) The applicant for an identification card must submit proof of identity and citizenship status acceptable to the examiner or the department and date of birth as set forth in a certified copy of his birth certificate. When a certified copy of his birth certificate or a delayed birth certificate is impossible to obtain from a vital statistics agency, another government-issued document may be submitted that provides satisfactory evidence of a person's full legal name and date of birth acceptable to the examiner or the department.

(7) Every identification card issued to a person who is a citizen of the United States may include the notation "USA." Every identification card issued to a person who is not a citizen or permanent legal resident of the United States shall have an expiration date that is the same date as the end of lawful stay in the United States as indicated on documents issued and verified by the department of homeland security, provided however, that the expiration date shall not extend beyond the expiration date for the same category of identification card issued to citizens. Persons whose department of homeland security documents do not state an expiration date shall be issued an identification card with an expiration date of one (1) year from the date of issuance.

(48) When an identification card has been expired for less than twenty-five (25) months, the renewal of the identification card shall start from the original date of expiration, regardless of the year in which the application for renewal is made. If the identification card is expired for more than twenty-five (25) months, the application shall expire, at the option of the applicant, on the applicant's birthday in the fourth year or the eighth year following reissuance of the identification card, except as otherwise provided in subsection (37) of this section.

(59) (a) If an Idaho identification card has expired or will expire and the identification card holder is temporarily out of state, except on active military duty, the identification card holder may request in writing on a form prescribed by the department an extension of the identification card. The request shall be accompanied by the fee fixed in section 49-306, Idaho Code, and the extension shall be no more than a twelve (12) month period. If the department determines that an extension of the identification card is necessary, it may issue an identification card showing the date to which the expired identification card is extended. Identification card extensions are limited to two (2) consecutive extensions per identification card holder.

(b) Upon returning to the state of Idaho, the identification card holder shall, within ten (10) days, apply for a renewal of the expired identification card and surrender the extended identification card and the expired identification card.

(610) An Idaho identification card issued to any person prior to serving on active duty in the armed forces of the United States, or a member of the immediate family accompanying such a person, if valid and in full force and effect upon entering active duty, shall remain in full force and effect and shall, upon application, be extended for a period of four (4) years as long as active duty continues, and the identification card shall remain in full force and effect sixty (60) days following the date the card holder is released from active duty.

(711) A person possessing an identification card who desires to donate any or all organs or tissue in the event of death, and who has completed a document of gift pursuant to the provisions for donation of anatomical gifts as set forth in chapter 34, title 39, Idaho Code, may, at the option of the donor, indicate this desire on the identification card by the imprinting of the word "donor" on the identification card. The provisions of this subsection shall apply to persons possessing an identification card who are fifteen (15) years of age or older but less than eighteen (18) years of age if



the requirements provided in chapter 34, title 39, Idaho Code, have been complied with.

(812) A person possessing an identification card or an applicant for an identification card who is a person with a permanent disability may request that the notation "permanently disabled" be imprinted on the identification card, provided the person presents written certification from a licensed physician verifying that the person's stated impairment qualifies as a permanent disability according to the provisions of section 49-117, Idaho Code.

(913) A person who is a veteran may request that his or her status as such be designated on an identification card at no additional cost. Any such request shall be accompanied by proof of being a current or former member of the United States armed forces. Upon request and submission of satisfactory proof, the department shall indicate such person's status as a veteran on any identification card issued pursuant to the provisions of this section. Such designation shall be made upon original issuance or renewal of an identification card. Designation shall also be made on any duplicate identification card issued, provided that the fee for such duplicate card is paid in accordance with this section.

(14) Satisfactory proof of being a current or former member of the United States armed forces must be furnished by an applicant to the department before a designation of veteran status will be indicated on any identification card. Acceptable proof shall be a copy of form DD214 or an equivalent document or statement from the department of veterans affairs that identifies a character of service upon separation as "honorable" or "general under honorable conditions."

(105) In the case of a name change, the applicant shall provide legal documentation to verify the change in accordance with department rules.

(116) Whenever any person, after applying for or receiving an identification card, shall move from the address shown on the application or on the identification card issued, that person shall, within thirty (30) days, notify the transportation department in writing of the old and new addresses.

(127) The department shall cancel any identification card upon determining that the person was not entitled to the issuance of the identification card or that the person failed to give the required and correct information in his application or committed fraud in making the application. Upon cancellation, the person shall surrender the canceled identification card to the department.

(138) If any person shall fail to return to the department the identification card as required, the department may direct any peace officer to secure its possession and return the identification card to the department.

(149) The department may issue a no-fee identification card to an individual whose driver's license has been canceled and voluntarily surrendered as provided in section 49-322(5), Idaho Code. The identification card may be renewed at no cost to the applicant as long as the driver's license remains canceled.

(1520) It is an infraction for any person to fail to notify the department of a change of address as required by the provisions of subsection (116) of this section.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after January 1, 2023.

CHAPTER 218  
(H.B. No. 519)

AN ACT

RELATING TO BOATING; AMENDING SECTION 67-7003, IDAHO CODE, TO DEFINE TERMS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-7004, IDAHO CODE, TO REVISE PROVISIONS REGARDING HULL IDENTIFICATION NUMBERS; AMENDING SECTION 67-7008, IDAHO CODE, TO REVISE PROVISIONS REGARDING CERTIFICATES OF NUMBER; AMENDING SECTION 67-7008A, IDAHO CODE, TO REMOVE A CODE REFERENCE; AMENDING SECTION 67-7009, IDAHO CODE, TO REVISE THE EXEMPTION FROM NUMBERING PROVISIONS; AMENDING SECTION 67-7015, IDAHO CODE, TO REVISE PROVISIONS REGARDING SAFETY EQUIPMENT; AMENDING SECTION 67-7017, IDAHO CODE, TO REVISE PROVISIONS REGARDING NEGLIGENT OPERATION; AMENDING SECTION 67-7024, IDAHO CODE, TO REVISE PROVISIONS REGARDING WATER SKIING; AMENDING SECTION 67-7031, IDAHO CODE, TO REVISE PROVISIONS REGARDING MARKING OF WATER AREAS; AMENDING SECTION 67-7078, IDAHO CODE, TO REVISE PROVISIONS REGARDING PERSONAL WATERCRAFT LIVERIES; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 67-7003, Idaho Code, be, and the same is hereby amended to read as follows:

67-7003. DEFINITIONS. In this chapter:

(1) "Actual physical control" means being in the operator's position of the vessel with the motor running or with the vessel moving.

(2) "Aids to navigation" means such buoys, batons, markers or other fixed objects in the water which that are established and used to mark obstructions or to direct navigation through separate channels.

(3) "Authorized vendor" means a retail/commercial enterprise or government office authorized by the department to sell certificates of number as provided in section 67-7008, Idaho Code.

(4) "Boating law administrator" means the staff person of the Idaho department of parks and recreation appointed by the director and who supervises the boating program.

(5) "Commercial vessel" means any vessel used in the carriage of any person, or persons or property for a valuable consideration, whether directly or indirectly flowing to the owner, partner, agent or any other person interested in the vessel.

(6) "Department" means the Idaho department of parks and recreation.

(7) "Director" means the director of the Idaho department of parks and recreation.

(8) "Duly constituted water ski school" means a profit-making business that files Idaho income tax returns in accordance with chapter 30, title 63, Idaho Code, substantiating that instruction of water ski students for the making of a profit is or was being performed by the instructor.

(9) "Float house" means a floating structure which is designed and built to be used, or is modified to be used, as a stationary waterborne residential dwelling, has no mode of power of its own, is dependent for utilities upon a continuous utility linkage to a source originating ~~on-shore~~ onshore, and has a permanent continuous connection to a sewage system on shore.

(910) "Float tube" means any vessel constructed of canvas, nylon or other material encasing an inflatable inner tube which allows the operator to sit inside with his legs dangling below the vessel.

(101) "Lifeboat" means a vessel that is owned by the owner of a vessel for which a valid certificate of number has been issued, is kept with the numbered vessel during normal operation of the numbered vessel, and is used solely in life-threatening situations.

(12) "Length of vessel" means the distance measured at the centerline at the highest point above the waterline from the fore-part of the outer hull at the bow to the aft-part of the outer hull at the stern, excepting any bowsprits, railings or extraneous or additional equipment.

(113) "Manufacturer" means any person who is engaged in the business of manufacturing or importing new and unused vessels for the purpose of sale or trade.

(124) "Motorboat" means any vessel propelled by machinery that is powered by an energy source other than human effort, whether or not such machinery is the principal source of propulsion.

(15) "Operate" means to navigate or otherwise use a vessel on the water of this state.

(136) "Operator" means any person who controls the direction or propulsion of any vessel on the water of this state.

(147) "Owner" means any person having a property interest in or entitled to the use or possession of a vessel, including a person entitled to the use or possession subject to the interest in another person reserved or created by agreement and securing payment of performance of an obligation, but not including a lessee under lease not intended as security.

(158) "Passenger" means every person carried aboard a vessel other than:

(a) The owner or his representative;

(b) The operator;

(c) A bona fide member of the crew engaged in the business of the vessel who has contributed no consideration for carriage and who is paid for his services; or

(d) Any guest on board a vessel which is used exclusively for pleasure purposes who has not contributed any consideration directly or indirectly for his carriage.

(169) "Person" means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic, except the United States and the state of Idaho, and includes any agent, trustee, executor, reserve assignee or similar representative of any of the above.

(1720) "Personal watercraft" means a small vessel which that uses an outboard motor or an inboard motor powering a water jet pump as its primary source of power and is designed to be operated by a person sitting, standing, or kneeling on, rather than in the conventional manner of sitting or standing inside the vessel.

(1821) "Private label merchandiser" means any person engaged in the business of selling or distributing, under his own trade name, vessels manufactured by another.

(1922) "Regatta," "Rrace," "Mmarine Eevent," "Ttournament," or "Eexhibition" means an organized water event of limited duration which is conducted according to a prearranged schedule.

(203) "Regulatory markers" means any fixed or anchored aid to navigation which that is established and used, but is not limited to, the bathing beach markers, speed zone markers, information markers, swimming or diving markers, floating mooring buoys, fishing buoys, or markers for ski courses or jumps.

(214) "Rules of the road" means the statutory and regulatory rules governing the navigation of vessels as published by the United States Coast Guard in Navigational Rules International -- Inland.

(225) "Sailboard" means a surfboard type sailboat with no freeboard that uses a triangular sail on a swivel-mounted mast not secured to a hull by guys or stays.

(26) "Sailboat" means any vessel equipped with mast(s) and sails(s), dependent upon the wind to propel the vessel in normal course of operation of the vessel.

(27) "Tender" means a vessel that: is equipped with propulsion machinery of less than ten (10) horsepower; is owned by the owner of the vessel for which a valid certificate of number has been issued; displays the number of that numbered vessel followed by the suffix "I"; and is used for direct transportation between the numbered vessel and the shore and for no other purpose.

(28) "Vessel" means every description of watercraft, including a sea-plane on the water, used or capable of being used as a means of transportation on water, but does not include float houses, diver's aids operated and designed primarily to propel a diver below the surface of the water, and nonmotorized devices not designed or modified to be used as a means of transportation on the water, such as inflatable air mattresses, single inner tubes, and beach and water toys.

(239) "Watercraft" means those devices designed as a means of transportation on water. Devices that are not considered watercraft are diver's aids operated and designed primarily to propel a diver below the surface of the water; nonmotorized devices not designed as a means of transportation on water, such as inflatable air mattresses, single inner tubes, beach toys, and water toys; and float houses as defined in subsection (9) of this section.

(30) "Water of this state" means any waters in the state of Idaho over which the state has jurisdiction.

(31) "Whistle or horn" means any sound-producing appliance capable of producing prescribed blasts that complies with the specifications of section 67-7015, Idaho Code.

SECTION 2. That Section 67-7004, Idaho Code, be, and the same is hereby amended to read as follows:

67-7004. HULL IDENTIFICATION NUMBER. (1) All vessels, except seaplanes, shall have two (2) identical hull identification numbers permanently displayed and affixed in accordance with federal regulations.

(2) A person who builds or imports a vessel for his own use and not for the purposes of sale shall request a hull identification number from the director and affix the number as instructed.

(3) No person shall destroy, remove, alter, or cover a vessel hull identification number.

(4) The director may issue a hull identification number for any vessel in violation of the provisions of this section.

(5) The same hull identification number may not be assigned to more than one (1) vessel.

(6) Each applicant for a hull identification number as prescribed in subsections (2) and (4) of this section shall submit one (1) of the following documents to the department:

(a) The bill of sale from the dealer or a bill of sale from the previous owner of the vessel;

(b) If the vessel is homebuilt, a sworn statement attesting to the identity of the builder, the location or place of construction, the source of the material used for construction, and a description of the vessel. The statement must also be accompanied by any receipts received from the purchase or acquisition of the materials used in the construction of the vessel and a copy of the construction plans, if any;

(c) If the vessel has been rebuilt, a sworn statement attesting to the identity of the building, the location or place of rebuilding, the source of the material used for rebuilding, and a description of the vessel. The statement must also be accompanied by any receipts received for the purchase or acquisition of the materials used in the rebuilding of the vessel, documentation indicating the source of the original hull, and proof of ownership from the previous owner; or

(d) If none of the documents listed in this subsection are available, an affidavit of ownership.

(7) Each hull identification number issued according to subsection (2) of this section shall consist of twelve (12) characters, uninterrupted by slashes, hyphens, or spaces, as follows:

(a) Prefix. The first three (3) characters shall be "IDZ," which denotes Idaho as the issuing authority.

(b) Hull serial number. Characters four (4) through eight (8) shall be the hull serial number assigned by the director in letters of the English alphabet or Arabic numerals, or both, except the letters "I," "O," and "Q."

(c) Date of manufacture. Characters nine (9) and ten (10) shall indicate the month and year of manufacture. The date indicated can be no earlier than the date construction or assembly began and no later than the date construction or assembly is completed or the vessel is imported into the United States. Character nine (9) shall be indicated using letters of the English alphabet. The first month of the year, January, shall be designated by the letter "A," the second month, February, by the letter "B," and so on until the last month of the year, December. Character ten (10) shall be the last digit of the year of manufacture or import and shall be an Arabic numeral.

(d) Model year. Characters eleven (11) and twelve (12) shall indicate the model year using Arabic numerals for the last two (2) numbers of the model year such as "87" for 1987 and "88" for 1988.

(8) Each hull identification number issued according to subsection (2) of this section shall be displayed as follows:

(a) Primary number. The primary hull identification number shall be affixed, on vessels with transoms, to the starboard outboard side of the transom within two (2) inches of the top of the transom, gunwale, or hull/deck joint, whichever is lowest. On vessels without transoms or on vessels on which it would be impractical to use the transom, it shall be affixed to the starboard outboard side of the hull, aft, within one (1) foot of the stern and within two (2) inches of the top of the hull side, gunwale, or hull/deck joint, whichever is lowest. On catamarans and pontoon vessels that have readily replaceable hulls to the aft crossbeam, it shall be affixed within one (1) foot of the starboard hull attachment. If the hull identification number would not be visible because of rails, fittings, or other accessories, the number shall be affixed as near as possible to the location specified in this chapter.

(b) Duplicate number. The duplicate hull identification number shall be affixed in an unexposed location on the interior of the vessel or beneath a fitting or item of hardware.

(c) Permanent placement. Each hull identification number shall be carved, burned, stamped, embossed, molded, bonded, or otherwise permanently affixed to the vessel so that alteration, removal, or replacement would be obvious. If the number is on a separate plate, the plate shall be fastened in such a manner that its removal would normally cause some scarring of or damage to the surrounding hull area. A hull identification number may not be attached to parts of the vessel that are removable.

(d) Size. The characters of each hull identification number shall be no less than one-fourth (1/4) of an inch high.

SECTION 3. That Section 67-7008, Idaho Code, be, and the same is hereby amended to read as follows:

67-7008. CERTIFICATE OF NUMBER -- EXPIRATION -- FEES. (1) Within fifteen (15) days after purchase, or as otherwise herein provided in this section, the owner of each vessel requiring numbering by the state of Idaho shall file an application for a certificate of number with an assessor or authorized vendor on forms provided by the department. The application shall be signed by the owner and shall be accompanied by the fee herein designated in this section. Upon receipt of an application in approved form, and the appropriate fee, the assessor or authorized vendor shall enter the same upon the records of its office and issue to the applicant two (2) validation stickers and a certificate of number, the receipt of any fee paid, and the name and address of the owner, and the assessor or authorized vendor shall forward to the department a duplicate copy. The owner shall also receive a vessel number that shall be permanently assigned to the boat. The owner shall paint on or permanently attach to each side of the bow of the vessel the vessel number and validation sticker in a manner as may be prescribed by rules of the department in order that they may be completely visible, and the number shall be maintained in legible condition. The certificate of number shall be pocket-size and shall be on board and available at all times for inspection on the vessel for which issued whenever that vessel is in operation, except that livery operators may have the rental agreement on board rented vessels in lieu of the certificate of number.

(2) The owner of any vessel for which a current certificate of number has been issued pursuant to any federal law or a federally approved numbering system of another state shall, if the vessel is operated on the waters of this state in excess of sixty (60) days, make application for an Idaho certificate of number in the manner prescribed in this section.

(3) Each assessor and authorized vendor shall record, on a form provided by the department, the names of all owners of vessels who make application for certificates of number, together with the amount of the fees paid by the owners. He shall, on or before the tenth of each month, forward to the department a duplicate copy of each record for the preceding month.

(4) All records of the department made or kept pursuant to this section shall be kept current and shall be public records.

(5) Every certificate of number issued shall continue in full force and effect through December 31 of the year of issue unless sooner terminated or discontinued in accordance with law. Certificates of number may be renewed by the owner in the same manner provided for in the initial securing of them.

(6) The owner of any vessel shall notify the department within fifteen (15) days if his vessel is destroyed or abandoned, or if it is sold or transferred either wholly or in part to another person or persons, or if the owner's address no longer conforms to the address appearing on the certificate of number. In all such cases, the notice shall be accompanied by a surrender of the certificate of number. When the surrender of the certificate is by reason of the vessel being destroyed, abandoned or sold, the department shall cancel the certificate and enter that fact in its records. If the surrender is by reason of a change of address on the part of the owner, the new address shall be endorsed on the certificate and the certificate returned to the owner.

(7) Whenever the ownership of a vessel changes, the purchaser shall, within fifteen (15) days after acquisition, make application to the department for transfer to him of the certificate of number issued for the vessel, giving his name, address, and the vessel number and shall, at the same time, pay to the department a transfer fee of three dollars (\$3.00). Upon receipt of the application and fee, the department shall transfer the certificate of number issued for the vessel to the new owner or owners. Unless the applica-

tion is made and the fee paid within fifteen (15) days, the vessel shall be considered to be without a certificate of number.

(8) No numbers other than the validation stickers and vessel number issued to a vessel or granted by reciprocity pursuant to law shall be painted, attached, or otherwise displayed on either side of the bow of the vessel.

(9) If any certificate of number becomes lost, mutilated, or becomes illegible, the owner of the vessel for which the same was issued shall obtain a duplicate of the certificate from the department upon application and the payment of a fee of three dollars (\$3.00). If one or both validation stickers are lost, stolen, or destroyed, any sticker remnants and the certificate of number should be returned to the department along with a three-dollar (\$3.00) fee and an application for a duplicate certificate of number and validation stickers.

(10) A person engaged in the manufacture or sale of vessels of a type otherwise required to be numbered by law, may obtain, pursuant to regulations duly promulgated by the department, certificates of number for use in the testing or demonstration only of a vessel upon payment of thirteen dollars (\$13.00) for each certificate. Certificates of number so issued may be used by the applicant in the testing or demonstration only of vessels by temporary placement of the numbers assigned by the certificates on the vessel tested or demonstrated, and shall be issued and displayed as otherwise prescribed by this chapter or by regulation of the department.

(11) The fees shall be:

Vessels 0-12 feet in length	\$20.00
Vessels over 12 feet in length	20.00
plus \$2.00 per foot for each additional foot in excess of 12 feet.	

(12) The provisions of subsection (11) of this section, with respect to the amount of payment of fees shall not apply to vessels owned by any charitable or religious organization, scout organization or any similar organization not used and operated for profit. All vessels currently numbered by the state of Idaho and having paid the fees imposed by subsection (11) of this section shall not be assessed and taxed as personal property in the state of Idaho.

(13) The fee for vessels owned by any charitable or religious organization, scout organization or similar organization not used and operated for profit shall be two dollars (\$2.00) per year.

(14) Each vessel number required by this section shall: be in plain vertical block characters of not less than three (3) inches in height; contrast with the color of the background; have spaces or hyphens that are equal to the width of a letter other than "I" or a number other than "1" between the letter and number groupings; be read from left to right; be maintained in legible condition; and be as high above the waterline as practicable without decreasing the visibility of the number.

(15) Manufacturers and dealers. When a vessel is used by a manufacturer or dealer for testing or demonstrating, the vessel number may be painted on or attached to removable plates that are temporarily but firmly attached to each side of the forward half of the vessel.

(16) Special circumstances. On vessels so configured that a vessel number on the hull or superstructure would not be easily visible, the vessel number shall be painted on or attached to a backing plate that is attached to the forward half of the vessel so that the vessel number is visible from each side of the vessel.

(17) Each vessel number issued according to this section shall consist of the prefix "ID," which denotes Idaho as the state of issuing authority, followed by not more than four (4) numerals followed by not more than two (2) capital letters; or by not more than three (3) numerals followed by not more than three (3) capital letters. A vessel number suffix may not include the letters "I," "O," or "Q," which may be mistaken for numerals.

(18) Validation stickers issued according to this section shall: be displayed within six (6) inches of and directly in line with the vessel number displayed on the vessel; be approximately three (3) inches square; and indicate the year in which each validation sticker expires by the colors green, red, blue, and international orange, in rotation beginning with green for stickers that expire in 1987.

(19) Validation stickers issued according to this section that have become invalid shall be removed from the vessel.

(20) Except as allowed in this chapter, each application for a certificate of number and each certificate of number referred to in this section shall contain: the number issued to the vessel; expiration date of the certificate; state of principal use; name of the owner; address of owner, including ZIP code; whether the vessel is used for pleasure, rent or lease, dealer or manufacturer demonstration, commercial passenger carrying, commercial fishing, or other use; manufacturer's hull identification number, if any; make of the vessel; year the vessel was manufactured; overall length of the vessel; whether the vessel is an open boat, cabin cruiser, houseboat, or other type; hull material; whether the propulsion is inboard, outboard, inboard out-drive, or sail; whether the fuel is gasoline, diesel, or other; the number previously issued by an issuing authority for the vessel, if any; whether the application is for a new certificate of number, renewal of a certificate of number, or transfer of ownership; and the signature of the owner.

(21) A certificate of number issued to a manufacturer or dealer to be used on a vessel for test or demonstration purposes may omit the requirements of this chapter if the word "manufacturer" or "dealer" is plainly marked on the certificate.

(22) A certificate of number issued to a vessel that is to be rented or leased without propulsion machinery may omit the requirements of this chapter if the words "livery vessel" are plainly marked on the certificate.

(23) Each applicant for a certificate of number as prescribed in this section shall submit to the department or authorized vendor the bill of sale from the dealer or a bill of sale from the previous owner of the vessel and, if the vessel is homebuilt, a sworn statement attesting to the identity of the builder, the location or place of construction, the source of the material used for construction, and a description of the vessel. The statement must also be accompanied by any receipts received from the purchase or acquisition of the materials used in the construction of the vessel and a copy of the construction plans, if any; if the vessel has been rebuilt, it must contain a sworn statement attesting to the identity of the builder, the location or place of rebuilding, the source of the material used for rebuilding, and a description of the vessel. The statement must also be accompanied by any receipts received for the purchase or acquisition of the materials used in the rebuilding of the vessel and documentation indicating the source of the original hull and proof of ownership from the previous owner. If none of the documents listed in this subsection are available, the applicant must submit an affidavit of ownership to the department.

(24) Only those counties in the state with a boating improvement program recognized by the department shall be eligible to receive moneys from the state vessel account. A "boating improvement program" means that one (1) or more recognized boating facilities are being developed and/or maintained within the county's jurisdiction and/or that the county has or is actively developing a recognized boating law enforcement program.

(25) A boating improvement program is recognized if it contains one (1) or more boating facilities that are being maintained within the county's jurisdiction or boating facilities that are being developed within the county's jurisdiction. A boating facility is an improved public boating access site that includes at least an improved concrete or asphalt boat ramp and any type of parking area for vehicles and their attached boat trailers. "Being developed" means that substantiating evidence can and



shall be presented in proof of the development and/or that the county has or is actively developing a boating law enforcement program. A boating law enforcement program is a program whereby an agent of the county sheriff's department is currently patrolling, or has in the recent past patrolled, the county's waterways and has enforced the provisions of this chapter. "Actively developing" means that substantiating evidence can and shall be presented in proof of the development.

SECTION 4. 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) Thirty dollars (\$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 5. That Section 67-7009, Idaho Code, be, and the same is hereby amended to read as follows:

67-7009. EXEMPTION FROM NUMBERING PROVISIONS. A vessel shall not be required to be numbered under this chapter if it is:

(1) Already covered by a number in full force and effect which that has been issued to it pursuant to federal law or a federally approved numbering system of another state, provided that such vessel shall not have been within this state for a period in excess of sixty (60) consecutive days.

(2) A vessel from a country other than the United States using the waters of this state for a period of less than sixty-one (61) consecutive days.

(3) A vessel ~~which is~~ owned by the United States, another state, or a political subdivision thereof that is used principally for governmental purposes other than recreation and is clearly identifiable as a government-owned vessel.

(4) A vessel's lifeboat.

(5) A vessel belonging to a class of vessels ~~which has been~~ exempted from numbering by the department after it has found that the numbering of vessels of such class will not materially aid in their identification and has further found that the vessel would also be exempt from numbering if it were subject to federal law. These include rowboats without motors, canoes without motors, kayaks without motors, inflatable vessels without motors, paddle vessels without motors, sailboards without motors, tenders, float tubes, and vessels properly documented with the United States coast guard.

~~(6) A float tube.~~

SECTION 6. That Section 67-7015, Idaho Code, be, and the same is hereby amended to read as follows:

67-7015. SAFETY EQUIPMENT -- ADDITIONAL REGULATIONS. (1) The department is hereby authorized to promulgate rules and regulations establishing equipment requirements for any vessel subject to the provisions of law. Regulations shall be, wherever possible, in conformity with the provisions of the federal navigation laws or with navigation rules and regulations promulgated by the United States Coast Guard and shall be modified from time to time to maintain that conformity.

(2) It shall be unlawful for any person to operate or permit the operation of any vessel on the waters of the state of Idaho unless the vessel shall have on board or installed the equipment required by rules and regulations promulgated by the department.

(3) Personal flotation devices required. Except for seaplanes and sailboards, no person may operate or permit to be operated any vessel on the waters of this state without carrying on board United States coast guard-approved personal flotation devices as described in this subsection.

(a) Recreational vessels used for noncommercial use less than sixteen (16) feet in length and canoes and kayaks of any length must have one (1) United States coast guard-approved wearable personal flotation device of a suitable size for each person on board.

(b) Recreational vessels sixteen (16) feet in length or longer must have one (1) United States coast guard-approved wearable personal flotation device of a suitable size for each person on board and, in addition, one (1) United States coast guard-approved throwable device.

(c) Commercial vessels less than forty (40) feet in length not carrying passengers for hire must have at least one (1) United States coast guard-approved wearable personal flotation device of a suitable size for each person on board.

(d) Commercial vessels carrying passengers for hire and commercial vessels forty (40) feet in length or longer not carrying passengers for hire must have at least one (1) United States coast guard-approved wearable personal flotation device of a suitable size for each person on board.

(e) Commercial vessels twenty-six (26) feet in length or longer must have at least one (1) United States coast guard-approved throwable device in addition to other requirements.

(f) Children fourteen (14) years of age and younger, on board vessels nineteen (19) feet or less, must wear a United States coast guard-approved flotation device when the vessel is underway.

(g) All personal flotation devices must be readily accessible to persons on board and be of good and serviceable condition. When aboard a personal watercraft, including a Jet Ski, wave runner, etc., or being towed by a boat, including a water ski, wakeboard, kneeboard, tube, etc., an approved flotation device must be worn to be considered readily accessible. All such devices must be approved by the United States coast guard and must be marked in accordance with United States coast guard standards.

(4) Exemptions to subsection (3) of this section are racing shells, rowing sculls, and racing kayaks provided they are manually propelled, recognized by a national or international racing association, and designed solely for competitive racing. Float tubes are exempt from the requirements of this chapter while being operated on lakes and reservoirs of this state less than two hundred (200) surface acres in size at natural or ordinary high water.

(5) Fire extinguishers required. Except seaplanes and those motorboats less than twenty-six (26) feet in length propelled by outboard motors of open construction that will not permit the entrapment of explosive or flammable gases or vapors and not carrying passengers for hire, no person may operate or permit to be operated any motorboat on the waters of this state unless it carries on board and has readily accessible at least the minimum number of serviceable United States coast guard-approved extinguishers. Extinguishers approved for use on motorboats are hand portable of either B-I or B-II classification. "B" type is for gasoline, oil, and grease fires. "I" and "II" denotes size.

(6) Inspections. Dry chemical fire extinguishers without gauges or indicating devices must be inspected every six (6) months. If the gross weight of a carbon dioxide (CO2) fire extinguisher is reduced by more than ten percent (10%) of the net weight, the extinguisher is not acceptable and must be recharged.

(7) Specific requirements. The requirements for fire extinguishers by length of motorboat are:

(a) At least one (1) B-1 fire extinguisher for boats less than twenty-six (26) feet in length;

(b) At least two (2) B-1 fire extinguishers for boats twenty-six (26) feet to less than forty (40) feet in length;

(c) At least three (3) B-1 fire extinguishers for boats forty (40) feet to not more than sixty-five (65) feet in length; and

(d) The minimum federal requirement for boats sixty-five (65) feet in length or longer.

(8) Alternative fire extinguisher requirement. One (1) B-II fire extinguisher may be substituted for two (2) B-I fire extinguishers. When a fixed fire extinguishing system is installed in machinery space(s), one (1) fewer B-I fire extinguisher is required.

(9) Motorized vessels less than sixty-five and six-tenths (65.6) feet in length must exhibit navigation lights. No person may operate or permit the operation of any vessel on the waters of this state between sunset and sunrise or in other times of restricted visibility unless the vessel is equipped with and displays the lights specified in this section, and during such time no other lights that may be mistaken for those prescribed must be exhibited.

(a) A white light placed over the fore and aft centerline of the vessel showing an unbroken light over an arc of the horizon of two hundred twenty-five (225) degrees (twenty (20) points) and so fixed as to show the light from right ahead to twenty-two and five-tenths (22.5) degrees (two (2) points) abaft (toward the stern from) the beam on either side of the vessel.

(b) A white light placed as nearly as practicable at the stern showing an unbroken light over an arc of the horizon one hundred thirty-five (135) degrees (twelve (12) points) and so fixed as to show the light sixty-seven and five-tenths (67.5) degrees (six (6) points) from right aft on each side of the vessel.

(c) On the starboard side a green light and on the port side a red light each showing an unbroken light over an arc of the horizon of one hundred twelve and five-tenths (112.5) degrees (ten (10) points) and so fixed as to show the light from right ahead to twenty-two and five-tenths (22.5) degrees (two (2) points) abaft (toward the stern from) the beam on its respective side. These sidelights may be combined in one (1) lantern carried on the fore and aft centerline of the vessel.

(d) A motorboat less than thirty-nine and four-tenths (39.4) feet in length may exhibit a white light aft visible all around the horizon in lieu of the white lights prescribed in this chapter.

(10) Nonmotorized vessels. A sailboat, under sail alone, and a vessel under oars or paddles must exhibit navigation lights.

(a) On the starboard side a green light and on the port side a red light each showing an unbroken light over an arc of the horizon of one hundred twelve and five-tenths (112.5) degrees (ten (10) points) and so fixed as to show the light from right ahead to twenty-two and five-tenths (22.5) degrees (two (2) points) abaft (toward the stern from) the beam on its respective side. These sidelights may be combined in one (1) lantern carried on the fore and aft centerline of the vessel.

(b) A white light placed as nearly as practicable at the stern showing an unbroken light over an arc of the horizon one hundred thirty-five (135) degrees (twelve (12) points) and so fixed as to show the light sixty-seven and five-tenths (67.5) degrees (six (6) points) from right aft on each side of the vessel.

(11) A sailboat of less than twenty-three (23) feet in length or a vessel under oars or paddles must, if practicable, exhibit the lights prescribed in this chapter; if it does not, it must have ready at hand an electric torch or lighted lantern showing a white light that must be exhibited in sufficient time to prevent collision.

(12) Anchorage. All vessels must display a white light visible all around the horizon when anchored on the waters of this state, unless anchored in a designated mooring area.

(13) Seaplanes. Where it is impracticable for a seaplane to exhibit lights of the characteristics or in the positions prescribed in this chapter, it must exhibit lights as similar in characteristics and position as is possible.

(14) Sailboats. Between sunrise and sunset, a vessel proceeding under sail when also being propelled by machinery must exhibit forward where it can best be seen a conical shape, apex downward. A vessel of less than thirty-nine and four-tenths (39.4) feet in length is not required to exhibit this shape but may do so.

(15) Visibility. Every white light prescribed by this chapter must be of such character as to be visible at a distance of at least two (2) miles. Every other colored light must be fitted with inboard screens of sufficient height so set as to prevent these lights from being seen across the bow and must be of such character as to be visible at least one (1) mile. As used in this chapter, "visible" means visible on a dark night with a clear atmosphere.

(16) Alternative lights and shapes. In lieu of the lights and shapes required in this chapter, a vessel may exhibit those lights and shapes provided for by federal law.

(17) Ventilation required. Except seaplanes, no person may operate or permit to be operated any vessel having aboard a gasoline engine used for any purpose, unless it is provided with proper ventilation.

(18) Compartments with gasoline engines. Each compartment in a vessel that has a permanently installed gasoline engine with a cranking motor must be open to the atmosphere or be ventilated by a natural ventilation system and a mechanical exhaust blower system as required by federal law.

(19) Collection of vapors or gases. Each compartment or tank in a vessel that may permit the entrapment of explosive or flammable gases or vapors must be ventilated by a natural ventilation system.

(20) Natural ventilation system. A natural ventilation system must be approved for use by the United States coast guard and include a supply opening or duct from the atmosphere or from a ventilated compartment, or from a compartment that is open to the atmosphere, and an exhaust opening into another ventilated compartment or an exhaust duct to the atmosphere. Each exhaust opening or duct must originate in the lower third of the compartment and each supply opening or duct and each exhaust opening or duct in a compartment must be above the normal accumulation of bilge water. Each supply opening must be forward facing and located on the exterior surface of a vessel or be constructed so that air effectively flows into or out of the supply or exhaust openings.

(21) Exhaust blowers. Each vessel that is required to have an exhaust blower must have a label that is located as close as practicable to each ignition switch, is in plain view of the operator, and has at least the words: "WARNING -- GASOLINE VAPORS CAN EXPLODE. BEFORE STARTING ENGINE, OPERATE BLOWER FOR FOUR (4) MINUTES AND CHECK ENGINE COMPARTMENT BILGE FOR GASOLINE VAPORS."

(22) Alternative ventilation system. In lieu of the ventilation and warning label required in this chapter, a vessel may be provided with any type of ventilating system allowed by federal law.

(23) Sound-producing devices. No person may operate or permit to be operated any vessel on the waters of this state without carrying on board sound-producing devices. A vessel of thirty-nine and four-tenths (39.4) feet or longer must be provided with a whistle or horn capable of making the prescribed signals provided for by federal law and a bell. The whistle or horn must be audible for at least one-half (1/2) nautical mile, and the bell, when struck, must produce a clear bell-like tone of full sound characteristic. A vessel of less than thirty-nine and four-tenths (39.4) feet in length must be provided with a whistle or horn capable of making the prescribed signals provided for by federal law. The whistle or horn must be audible for at least one-half (1/2) nautical mile.

(24) Backfire flame control. Except seaplanes, no person may operate or permit to be operated any motorboat on the waters of this state unless each carburetor on every inboard gasoline engine installed in a motorboat is equipped with a United States coast guard-approved backfire flame arrestor or other means of backfire flame control approved for use by the United States coast guard, each of which is securely attached to the carburetor and in proper working order.

(25) Neither the owner of a vessel livery nor his agent or employee may permit any vessel permitted by him to be operated as a vessel to depart from his premises unless it has been provided, either by owner or renter, with the equipment required in this chapter.

SECTION 7. That Section 67-7017, Idaho Code, be, and the same is hereby amended to read as follows:

67-7017. NEGLIGENT OPERATION. (1) It shall be unlawful for any person to operate any vessel on the waters of the state of Idaho in a careless or heedless manner so as to be indifferent to any person or property of other persons, or at a rate of speed greater than will permit him in the exercise of reasonable care to bring the vessel to a stop within the assured clear distance ahead, and whosoever shall do so is guilty of the crime of negligent operation and shall be punished as hereinafter provided in this chapter.

(2) Negligent operation includes but is not limited to becoming airborne or completely leaving the water while crossing the wake of another vessel at an unsafe distance from the vessel creating the wake; weaving through congested traffic; and operating at such a speed and proximity to another vessel, a person, or property of other persons so as to require the operator to swerve at the last moment to avoid collision.

SECTION 8. That Section 67-7024, Idaho Code, be, and the same is hereby amended to read as follows:

67-7024. WATER SKIING. (1) It shall be unlawful for the operator of any vessel having in tow or otherwise assisting a person on water skis, aquaplane or similar contrivance to operate or propel the same upon or above any waters of the state of Idaho unless that vessel shall be occupied by at least one (1) other competent person who shall act as an observer. This subsection shall not apply to vessels used by representatives of duly constituted water ski schools in the giving of instruction, or to vessels used in duly authorized water ski tournaments, competitions, expositions or trials.

(2) Vessels operating within a regulation legal and permitted slalom course and that are equipped with a rear view rearview wide-angle mirror are exempt from the requirement of having at least one (1) other competent person in the boat acting as an observer as provided in subsection (1) of this section. The size of the mirror must be no less than four (4) inches from bottom to top and across from side to side. It shall be mounted firmly to give the operator a full, complete view beyond the rear of the vessel at all times.

(3) No vessel shall have in tow or shall otherwise be assisting a person on water skis, aquaplane or similar contrivance from the period of one (1) hour after sunset to one (1) hour prior to sunrise. This subsection shall not apply to vessels used in duly authorized water ski tournaments, competitions, expositions or trials.

(4) All vessels having in tow or otherwise assisting a person on water skis, aquaplane or similar contrivance shall be operated in a careful and prudent manner and at a reasonable distance from persons and property so as not to endanger the life or property of any person or create excessive wake.

(5) No person shall operate or manipulate any vessel's attached towrope or other device by which the direction or location of water skis, aquaplane or similar device may be affected or controlled in such a way as to cause the same or any person thereon to collide with or strike against any person or object other than a jumping ramp or in conjunction with skiing over a slalom course.

(6) No person may operate or permit to be operated any vessel used for towing water-skiers or devices in which persons or objects are being towed above, in, or on the waters of this state unless it has on board and displays a warning flag that must be international orange or red in color and must be at least one (1) foot square. When any person being towed by the vessel becomes disengaged from the towline and is down in the water, a person in the vessel must immediately hold the warning flag aloft, visible from all sides, as an indicator to other vessels in the area that a person is down in the water. As long as such downed person is in the water, the flag must remain displayed to prevent danger to that person and hazards to passing vessels. Such warning flag must be displayed only under these conditions or when other eminent danger exists.

SECTION 9. That Section 67-7031, Idaho Code, be, and the same is hereby amended to read as follows:

67-7031. MARKING OF WATER AREAS -- PROCEDURES -- LOCAL RULES. (1) The department may make or adopt appropriate rules for the marking of the water areas in this state through the placement of aids to navigation and regulatory markers. Such rules shall establish a marking system of aids to navigation prescribed by the United States Coast Guard and shall give due regard to the system of uniform waterway markers approved by the advisory panel of state officials to the merchant marine council of the United States Coast Guard. No city, county, other political subdivision or other person shall mark the waters of this state in any manner in conflict with the marking system prescribed by the department or without the specific authority of the department.

(2) Uniform system. In the marking of water areas, as described in this chapter, the uniform waterway marking system is used for the placement of aids to navigation and regulatory markers in the waters of the state.

(3) Regulatory markers. Regulatory markers are used to indicate to a vessel operator the existence of dangerous areas as well as those that are restricted or controlled, such as speed zones and areas dedicated to a particular use, or to provide general information and directions.

(4) Colors. Each regulatory marker must be colored white with international orange geometric shapes.

(5) Buoys. When a buoy is used as a regulatory marker, it must be white with horizontal bands of international orange placed completely around the buoy circumference. One (1) band must be at the top of the buoy body, with a second band placed just above the waterline of the buoy so that both international orange bands are clearly visible to approaching vessels. The area of buoy body visible between the two (2) bands must be white.

(6) Geometric shapes. Geometric shapes must be placed on the white portion of the buoy body and must be colored international orange. The authorized geometric shapes and meanings associated with them are: a vertical open-faced diamond shape to mean danger; a vertical open-faced diamond shape having a cross centered in the diamond to mean that a vessel is excluded from the marked area; a circular shape to mean that a vessel operated in the marked area is subject to certain operating restrictions; and a square or rectangular shape with directions or information lettered on the inside.

(7) Signs. Where a regulatory marker consists of a square or rectangular-shaped sign displayed from a structure, the sign must be white, with an international orange border. When a diamond or circular geometric shape associated with meaning of the marker is included, it must be centered on the signboard.

(8) Navigation aids. Aids to navigation are used to supplement the federal lateral system of buoyage and have either a lateral or cardinal meaning.

(9) Defined channel. On a well-defined channel, including a river or other relatively narrow natural or improved waterway, an aid to navigation is normally a solid-colored buoy. A buoy that marks the left side of the channel viewed looking upstream or toward the head of navigation must be colored all black. A buoy that marks the right side of the channel viewed looking upstream or toward the head of a navigation must be colored all red. On a well-defined channel, solid-colored buoys are established in pairs, one (1) on each side of the navigable channel that they mark, and opposite each other to inform the user that the channel lies between the buoys and that the user should pass between the buoys.

(10) Irregularly defined channel. On an irregularly defined channel, solid-colored buoys may be used singly in staggered fashion on alternate sides of the channel, provided they are spaced at sufficiently close intervals to inform the user that the channel lies between the buoys and that the user should pass between the buoys.

(11) Undefined channel. Where there is no well-defined channel or when a body of water is obstructed by objects whose nature or location is such that the obstruction can be approached by a vessel from more than one (1) direction, supplemental aids to navigation having cardinal meaning (i.e., pertaining to the cardinal points of the compass, north, east, south, and west) may be used. The use of an aid to navigation having cardinal meaning is discretionary, provided that the use of such a marker is limited to wholly state-owned waters and the state waters for private aids to navigation as defined and described in this chapter.

(12) Cardinal system. Aids to navigation conforming to the cardinal system consist of three (3) distinctly colored buoys. A white buoy with a red top may be used to indicate to a vessel operator to pass to the south or west of the buoy. A white buoy with a black top may be used to indicate to a vessel operator to pass to the north or east of the buoy. In addition, a buoy showing alternate vertical red and white stripes may be used to indicate to a vessel operator that an obstruction to navigation extends from the nearest shore to the buoy and not to pass between the buoy and shore. The number of white and red stripes is discretionary, provided that the white stripes are twice the width of the red stripes.

(13) Markers to be visible. The size, shape, material, and construction of all markers, both fixed and floating, must be such as to be observable under normal conditions of visibility at a distance such that the significance of the marker or aid must be recognizable before the observer comes into danger.

(14) Lettering to be visible. Numbers, letters, or words on an aid to navigation or regulatory marker must be placed in a manner to enable them to be clearly visible to an approaching and passing vessel. They must be block style, well-proportioned, and as large as the available space permits. Numbers and letters on red or black backgrounds must be white, and numbers and letters on white backgrounds must be black.

(15) Numbering buoys. Odd numbers must be used to identify solid-colored black buoys or black-topped buoys, and even numbers must be used to identify solid-colored red buoys or red-topped buoys. All numbers must increase in an upstream direction or toward the head of navigation. The use of numbers to identify buoys is discretionary.

(16) Lettering markers. Letters only may be used to identify regulatory markers and white and red vertically striped obstruction markers. When used, letters must follow alphabetical sequence in an upstream direction or toward the head of navigation. The letters "I" and "O" are omitted to preclude confusion with numbers. The use of letters to identify regulatory markers and obstruction markers is discretionary.

(17) Reflective material. The use of reflectors or retroreflective materials is discretionary.



(18) Color of reflective material. When used on buoys having lateral significance: red reflectors or retroreflective materials must be used on solid-colored red buoys; green reflectors or retroreflective materials must be used on solid-colored black buoys; and white reflectors or retroreflective materials only may be used for all other buoys, including regulatory markers, except that orange reflectors or retroreflective materials may be used on the orange portions of regulatory markers.

(19) Lights. The use of navigational lights on state aids to navigation, including regulatory markers, is discretionary. When used, lights on solid-colored buoys must be regularly flashing, regularly occulting, or equal-interval lights. For ordinary purposes, the frequency of flashes may not be more than thirty (30) flashes per minute (slow-flashing). When it is desired that lights have a distinct cautionary significance, as at sharp turns or sudden constrictions in the channel or to mark wrecks or other artificial or natural obstructions, the frequency of flashes may not be less than sixty (60) flashes per minute (quick-flashing). When a light is used on a cardinal system buoy or a vertically striped white and red buoy it must always be quick-flashing. The colors of the lights must be the same as for reflectors: a red light only on a solid-colored red buoy; a green light on solid colored black buoy; and a white light only for all other buoys, including regulatory markers.

(20) Ownership identification. The use and placement of ownership identification is discretionary, provided that ownership identification is worded and placed in a manner that avoids detracting from the meaning intended to be conveyed by a navigational aid or regulatory marker.

(21) Mooring buoys. Mooring buoys in state waters for private aids to navigation must be colored white and must have a horizontal blue band around the circumference of the buoy centered midway between the top of the buoy and the waterline.

(22) Lighted mooring buoys. A lighted mooring buoy must normally display a slow-flashing white light. When its location in a waterway is such that it constitutes an obstruction to a vessel operated during hours of darkness, it must display a quick-flashing white light.

(23) Identifying mooring buoys. A mooring buoy may bear ownership identification, provided that manner and placement of the identification does not detract from the meaning intended to be conveyed by the color scheme or identification letter when assigned.

(24) The provisions of this chapter shall govern the operation, equipment, numbering, and all other matters relating thereto whenever any vessel shall be operated on the waters of this state or when any activity regulated by this chapter shall take place thereon. Nothing in this chapter shall be construed to prevent the adoption of any ordinance or local law relating to operation and equipment of vessels, so as long as such ordinances are not in conflict with the provisions of law.

(325) Any political subdivision of the state of Idaho may at any time, but only after sufficient public notice is given, adopt local ordinances with reference to the operation of vessels on any waters within its territorial limits or with reference to swimming within areas of intense or hazardous vessel traffic, provided the ordinances are intended to promote or protect the health, safety, and general welfare of its citizenry.

(426) Any political subdivision of the state of Idaho may at any time, but only after sufficient public notice is given, adopt ordinances which that establish operational zones for personal watercraft on any waters within its territorial limits. Personal watercraft operational zone designations are limited to:

- (a) No wake or less than five (5) miles per hour;
- (b) Personal watercraft only;
- (c) No personal watercraft allowed; or
- (d) Distance from shoreline.

SECTION 10. That Section 67-7078, Idaho Code, be, and the same is hereby amended to read as follows:

67-7078. PERSONAL WATERCRAFT LIVERIES. (1) Any person who offers a personal watercraft for lease, hire, or rent shall:

(a) Provide a ~~Coast Guard~~ United States coast guard-approved ~~Type I, II, III or V~~ personal flotation device and any other required safety equipment to all persons who lease, hire, or rent the personal watercraft at no additional charge;

(b) Display a safety information decal provided by the department describing laws, rules, and safety measures pertaining to personal watercraft in a location clearly visible from the operator's position on each personal watercraft leased, hired, or rented;

(c) Instruct each person that will operate the personal watercraft during the rental or lease period on the laws, rules, and safe operation of the personal watercraft as prescribed by the department;

(d) Provide to the person leasing, hiring, or renting the personal watercraft a written copy of ~~acknowledgement~~ acknowledgment of instruction on forms provided by the department. Each copy must contain the names and physical description of all persons eligible to operate the personal watercraft during the rental or lease period; and

(e) Provide the complete reading of "personal watercraft laws and safe operation" and provide the complete viewing of the video "play it safe" produced by the personal watercraft industry association.

(2) All persons operating a rented, leased, or hired personal watercraft must carry on board for inspection by any law enforcement officer a valid "Idaho PWC renter's acknowledgment of education" form.

(3) All forms, videos, and other required educational materials will be provided to personal watercraft liveries by the department at no charge to the livery.

(24) It is unlawful for any person to operate a personal watercraft ~~which that~~ is being rented, hired, or leased before being instructed on the laws, rules, and safe operation of personal watercraft by the lessor as prescribed in this chapter.

(35) Any person operating a personal watercraft ~~which that~~ is leased, hired, or rented must carry on board a written copy of ~~acknowledgement~~ acknowledgment of instruction whenever the personal watercraft is in operation.

(46) Any person violating the provisions of this section shall be guilty of an infraction and punishable as provided in section 18-113A, Idaho Code.

SECTION 11. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 24, 2022

CHAPTER 219  
(H.B. No. 554)

AN ACT

RELATING TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM; AMENDING SECTION 59-1302, IDAHO CODE, TO DEFINE TERMS, TO REVISE A DEFINITION, AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

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

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

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

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

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

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

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

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

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

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

(i) The highest average salary; and

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

A. Military service;

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

C. Worker's compensation income benefits.

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

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

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

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

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

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

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

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

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

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

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

(12) "Disabled" means:

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

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

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

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

(12A) "Disabled service" means the total number of months elapsing from the first day of the month next succeeding the final contribution of a member prior to receiving a disability retirement allowance to the first day of the month following the date of termination of such disability retirement allowance. During such period, the member shall remain classified in the membership category held during the month of final contribution. The to-

tal number of months of disabled service credited for a person first becoming disabled after the effective date of this chapter shall not exceed the excess, if any, of three hundred sixty (360) over the total number of months of prior service and membership service.

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

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

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

(14) (A) "Employee" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(16) "Firefighter" means:

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

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

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

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

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

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

(20A) "Ineligible" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(31) (A) "Salary" means:

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

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

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

(C) "Salary" does not include:

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

is vested without regard to the length of credited service.

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

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 24, 2022

CHAPTER 220  
(H.B. No. 787)

AN ACT

RELATING TO THE APPROPRIATION TO THE IDAHO TRANSPORTATION DEPARTMENT; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE TRANSPORTATION EXPANSION AND CONGESTION MITIGATION FUND; APPROPRIATING ADDITIONAL MONEYS TO THE IDAHO TRANSPORTATION DEPARTMENT FOR THE TRANSPORTATION EXPANSION AND CONGESTION MITIGATION FUND FOR FISCAL YEAR 2023; PROVIDING LEGISLATIVE INTENT; AND DECLARING AN EMERGENCY.

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

SECTION 1. CASH TRANSFER. There is hereby appropriated and the Office of the State Controller shall transfer \$100,000,000 from the General Fund to the Transportation Expansion and Congestion Mitigation Fund as soon as practicable for the period July 1, 2021, through June 30, 2022.

SECTION 2. In addition to any other appropriation provided by law, there is hereby appropriated to the Idaho Transportation Department for the Contract Construction and Right-of-Way Acquisition Program \$100,000,000 from the Transportation Expansion and Congestion Mitigation Fund to be expended for operating expenditures for the period July 1, 2022, through June 30, 2023.

SECTION 3. TRANSPORTATION EXPANSION AND CONGESTION MITIGATION BONDING. The Idaho Transportation Board approved an amount not to exceed \$325,000,000 for six design projects and five construction projects for bonding using the Transportation Expansion and Congestion Mitigation Fund. The Legislature will provide \$100,000,000 toward these projects in lieu of bonding the full amount for bond series TECM2022A.

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 24, 2022

CHAPTER 221  
(H.B. No. 786)

AN ACT

RELATING TO THE APPROPRIATION TO THE OFFICE OF THE LIEUTENANT GOVERNOR FOR FISCAL YEAR 2023; APPROPRIATING MONEYS TO THE OFFICE OF THE LIEUTENANT GOVERNOR FOR FISCAL YEAR 2023; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; EXEMPTING THE APPROPRIATION FROM TRANSFER LIMITATIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. There is hereby appropriated to the Office of the Lieutenant Governor the following amounts to be expended according to the designated expense classes from the General Fund for the period July 1, 2022, through June 30, 2023:

FOR:

Personnel Costs	\$181,800
Operating Expenditures	<u>20,400</u>
TOTAL	\$202,200

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Office of the Lieutenant Governor is authorized no more than three (3.00) full-time equivalent positions at any point during the period July 1, 2022, through June 30, 2023, 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 TRANSFER LIMITATIONS. 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 expense classes for all moneys appropriated to it for the period July 1, 2022, through June 30, 2023. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 24, 2022

## CHAPTER 222

(H.B. No. 515, As Amended in the Senate)

## AN ACT

RELATING TO PUBLIC HEALTH DISTRICTS; AMENDING SECTION 39-401, IDAHO CODE, AS AMENDED BY SECTION 2, CHAPTER 336, LAWS OF 2021, TO REMOVE PROVISIONS REGARDING CERTAIN STATE EMPLOYEES, TO PROVIDE THAT PUBLIC HEALTH DISTRICTS MAY ELECT TO PARTICIPATE IN A CERTAIN COMPREHENSIVE LIABILITY PLAN AND SHALL BE CONSIDERED A STATE DEPARTMENT FOR CERTAIN PURPOSES, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 39-422, IDAHO CODE, TO REVISE PROVISIONS REGARDING CLAIMS AGAINST THE DIVISIONS OF THE PUBLIC HEALTH DISTRICT FUND; AND DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

SECTION 1. That Section 39-401, Idaho Code, as amended by Section 2, Chapter 336, Laws of 2021, be, and the same is hereby amended to read as follows:

39-401. LEGISLATIVE INTENT. (1) The various health districts, as provided for in this chapter, are not:

- (a) A single department of state government unto themselves;
- (b) A part of any of the twenty (20) departments of state government authorized by section 20, article IV, Idaho constitution;
- (c) A part of the departments prescribed in section 67-2402, Idaho Code; or
- (d) A department or an agency of county government.

(2) It is legislative intent that health districts operate and be recognized not as state or county agencies or departments, but as governmental entities whose creation has been authorized by the state, much in the manner as other single-purpose districts. Pursuant to this intent, and because health districts are not state or county departments or agencies, health districts are exempt from the required participation in the services of the purchasing agent or employee liability coverage, as rendered by the department of administration. However, nothing shall prohibit the health districts from entering into contractual arrangements with the department of administration, or any other department of state government or an elected constitutional officer, for these or any other services.

(3) It is legislative intent to affirm the provisions of section 39-413, Idaho Code, ~~requiring compliance with the state merit system,~~ and to affirm the participation of the health districts in the public employee retirement system, pursuant to section 39-426, Idaho Code, chapter 13, title 59, Idaho Code, and ~~chapter 53, title 67~~ section 67-5333, Idaho Code.

(4) It is also legislative intent that the matters of location of deposit of health district funds, or the instruments or documents of payment from those funds, shall be construed as no more than items of convenience for the conduct of business, and in no way reflect upon the nature or status of the health districts as entities of government.

(5) This section merely affirms that health districts created under this chapter are not state or county agencies, and in no way changes the character of those agencies as they existed prior to this act.

(6) Public health districts will have the option to continue with agreements and service arrangements, including insurance arrangements, with state agencies that were effective prior to January 1, 2022, unless an agreement or service arrangement is expressly nullified by statute.

(7) Notwithstanding any other provision of law, a public health district may elect to participate in the comprehensive liability plan autho-

alized by section 6-919, Idaho Code. A public health district making such election shall be considered a state department for purposes of risk management pursuant to chapter 57, title 67, Idaho Code, and the department of administration shall treat it as such. However, participation shall be subject to compliance with loss control policies adopted by the department of administration.

SECTION 2. That Section 39-422, Idaho Code, be, and the same is hereby amended to read as follows:

39-422. PUBLIC HEALTH DISTRICT FUND -- ESTABLISHMENT -- DIVISIONS -- FISCAL OFFICER -- EXPENDITURES. (1) There is hereby authorized and established in the state treasury a special fund to be known as the public health district fund for which the state treasurer shall be custodian. Within the public health district fund there shall be seven (7) divisions, one (1) for each of the seven (7) public health districts. Each division within the fund will be under the exclusive control of its respective district board of health and no moneys shall be withdrawn from such division of the fund unless authorized by the district board of health or its authorized agent.

(2) The procedure for the deposit and expenditure of moneys from the public health district fund will be in accordance with procedures established between all district boards and the state controller. All income and receipts received by the districts shall be deposited in the public health district fund.

(3) Claims Except for claims eligible for payment from the retained risk account established by section 67-5776, Idaho Code, claims against the divisions of the public health district fund are not claims against the state of Idaho. Claims against an individual health district are limited to that district's division moneys and losses eligible for payment from the retained risk account established by section 67-5776, Idaho Code.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval, and retroactively to March 1, 2022.

Approved March 23, 2022

CHAPTER 223  
(S.B. No. 1321)

AN ACT

RELATING TO ASSAULT AND BATTERY; AMENDING SECTION 18-915, IDAHO CODE, TO PROVIDE FOR ASSAULT OR BATTERY UPON EMPLOYEES OF A PUBLIC OR CONSUMER-OWNED UTILITY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 18-915, Idaho Code, be, and the same is hereby amended to read as follows:

18-915. ASSAULT OR BATTERY UPON CERTAIN PERSONNEL -- PUNISHMENT. (1) Any person who commits a crime provided for in this chapter against or upon a justice, judge, magistrate, prosecuting attorney, public defender, peace officer, bailiff, marshal, sheriff, police officer, peace officer standards and training employee involved in peace officer decertification activities, emergency services dispatcher, correctional officer, employee

of the department of correction, employee of a private prison contractor while employed at a private correctional facility in the state of Idaho, members or employees of the commission of pardons and parole, employees of the department of water resources authorized to enforce the provisions of chapter 38, title 42, Idaho Code, employees of the department of parks and recreation authorized to enforce the provisions of chapter 42, title 67, Idaho Code, employees of a public utility as described in section 61-129, Idaho Code, including any employee of a consumer-owned utility, jailer, parole officer, misdemeanor probation officer, officer of the Idaho state police, fireman, social caseworkers or social work specialists of the department of health and welfare, employee of a state secure confinement facility for juveniles, employee of a juvenile detention facility, a teacher at a detention facility or a juvenile probation officer, emergency medical services personnel licensed under the provisions of chapter 10, title 56, Idaho Code, a member, employee or agent of the state tax commission, United States marshal, or federally commissioned law enforcement officer or their deputies or agents, and the perpetrator knows or has reason to know of the victim's status, the punishment shall be as follows:

(a) For committing battery with intent to commit a serious felony, the punishment shall be imprisonment in the state prison not to exceed twenty-five (25) years.

(b) For committing any other crime in this chapter, the punishment shall be doubled that provided in the respective section, except as provided in subsections (2) and (3) of this section.

(2) For committing a violation of the provisions of section 18-901 or 18-903, Idaho Code, against the person of a former or present justice, judge or magistrate, jailer or correctional officer or other staff of the department of correction, or of a county jail, or of a private correctional facility, or of an employee of a state secure confinement facility for juveniles, an employee of a juvenile detention facility, a teacher at a detention facility, misdemeanor probation officer, a juvenile probation officer, or member or employee of the commission of pardons and parole:

(a) Because of the exercise of official duties or because of the victim's former or present official status; or

(b) While the victim is engaged in the performance of his duties and the person committing the offense knows or reasonably should know that such victim is a justice, judge or magistrate, jailer or correctional officer or other staff of the department of correction, or of a private correctional facility, an employee of a state secure confinement facility for juveniles, an employee of a juvenile detention facility, a teacher at a detention facility, misdemeanor probation officer or a juvenile probation officer;

the offense shall be a felony punishable by imprisonment in a correctional facility for a period of not more than five (5) years, and said sentence shall be served consecutively to any sentence being currently served.

(3) For committing a violation of the provisions of section 18-903, Idaho Code, except unlawful touching as described in section 18-903(b), Idaho Code, against the person of a former or present peace officer, sheriff or police officer:

(a) Because of the exercise of official duty or because of the victim's former or present official status; or

(b) While the victim is engaged in the performance of his duties and the person committing the offense knows or reasonably should know that such victim is a peace officer, sheriff or police officer;

the offense shall be a felony punishable by imprisonment in a correctional facility for a period of not more than five (5) years, and said sentence shall be served consecutively to any sentence being currently served.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 25, 2022

CHAPTER 224  
(H.B. No. 689)

AN ACT

RELATING TO THE STATE TAX COMMISSION; AMENDING SECTION 63-102, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE STATE TAX COMMISSION AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 63-102, Idaho Code, be, and the same is hereby amended to read as follows:

63-102. ORGANIZATION -- CHAIRMAN -- COMPENSATION -- QUORUM -- HEARINGS. (1) A member of the state tax commission shall be appointed by the governor, to serve at his pleasure, as chairman. Each member of the state tax commission shall devote full time to the performance of duties. Commencing on July 1, 2021, the annual salary for members of the state tax commission shall be one hundred six thousand seventy-two dollars (\$106,072).

(2) A majority of the state tax commission shall constitute a quorum for the transaction of business. The state tax commission may delegate to any member of the commission or to its employees, the power to make investigations and hold hearings at any place it may deem proper, and such other matters as will facilitate the operations of the commission.

(3) The chairman of the state tax commission shall delegate to each commissioner the responsibility for policy management and oversight of one (1) or more of the taxes collected and/or activities supervised or administered by the commission. The state tax commission shall perform the duties imposed upon it by law and shall adopt all rules by majority decision. In any case in which the state tax commission sits as an appellate body upon an appeal from a tax decision from one (1) of the various administrative units subject to its supervision, the state tax commissioner charged with responsibility for policy management and oversight of the tax in controversy shall not vote upon the appeal but may advise the remaining members of the commission on the technical aspects of the problems before them.

(4) The chairman shall be the chief executive officer and administrative head of the state tax commission and shall be responsible for, ~~or and,~~ with the advice and consent of the state tax commission, may assign responsibility for, all personnel, budgetary and/or fiscal matters of the state tax commission. Delegations of authority involving personnel, budgetary and/or fiscal matters shall be reviewed by request, and sustained by an affirmative vote, of the majority of the state tax commission.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 25, 2022

#### CHAPTER 225

(H.B. No. 565, As Amended in the Senate)

#### AN ACT

RELATING TO PROPERTY TAXES; AMENDING SECTION 63-313, IDAHO CODE, TO REVISE PROVISIONS REGARDING TRANSIENT PERSONAL PROPERTY; AMENDING SECTION 63-602KK, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE EXEMPTION OF CERTAIN PERSONAL PROPERTY FROM PROPERTY TAX; AMENDING SECTION 63-904, IDAHO CODE, TO REMOVE A PROVISION REGARDING THE TAXATION OF TRANSIENT PERSONAL PROPERTY; AND DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

SECTION 1. That Section 63-313, Idaho Code, be, and the same is hereby amended to read as follows:

63-313. ~~SPECIAL PROVISIONS EXEMPTION FOR TRANSIENT PERSONAL PROPERTY. (1) All transient personal property shall be listed by the owner and shall show the quantity, name, model, serial number, if any, year of manufacture, date of purchase, cost, whether new or used and other identifying information required by the county assessor. The list of transient personal property shall identify the owner of the property and shall be filed with the home county assessor on or before the first day of November of each year. The owner of transient personal property may elect to treat as his home county that county in which he maintains his residence or usual place of business or in which the transient personal property is usually kept. The report shall be made on forms prescribed by the state tax commission and shall identify periods of thirty (30) days or more during which the personal property is located in a county, specifying the location of the transient personal property for each month of the current calendar year with a projection of the location for the remaining months of November and December.~~

~~(2) The county assessor of the home county or the receiving county of the listing shall file within ten (10) days with the county assessor of all counties identified on the report a copy of the report. Each county so identified shall then place a prorated assessment on such personal property on the subsequent or missed property roll only for the length of time that the personal property was located in their county.~~

~~(3) In the event that any transient personal property has been or will be taxed for the current year in another state, the property shall be taxed for only that portion of the year that the transient personal property is kept and does remain in the state of Idaho.~~

~~(4) The provisions of this section shall not apply to transient personal property in transit through this state, or to transient personal property sold by the owner thereof in the home county upon which the taxes for the full year have been paid or secured, which said transient personal property is kept, moved, transported, shipped or hauled into and remaining in another county, and there kept or remaining either for the purpose of use or sale within the current year.~~

~~(5) For transient personal property valued at more than one hundred thousand dollars (\$100,000), any exemption in section 63-602KK, Idaho Code, available to the taxpayer shall be allocated among counties based on the prorated value provided in subsection (2) of this section.~~

~~(6) Beginning January 1, 2022, all transient personal property is exempt from taxation. No replacement moneys shall be provided as a result of this subsection.~~

SECTION 2. That Section 63-602KK, Idaho Code, be, and the same is hereby amended to read as follows:

63-602KK. PROPERTY EXEMPT FROM TAXATION -- CERTAIN PERSONAL PROPERTY.

(1) (a) An item of taxable personal property purchased on or after January 1, 2013, shall be exempt from property taxation if the item of taxable personal property has an acquisition price of three thousand dollars (\$3,000) or less.

(b) For purposes of this section, the term "acquisition cost" means all costs required to put an item of taxable personal property into service and includes:

- (i) The purchase price of a new or used item;
- (ii) The cost of freight and shipping;
- (iii) The cost of installation, engineering, erection or assembly; and
- (iv) Sales and use taxes.

(c) For purposes of this subsection, an "item of taxable personal property" means equipment, machinery, furniture or other personal property that is functioning at its highest and best use for the purpose it was designed and constructed and is generally capable of performing that function without being combined with other items of personal property. An item of taxable personal property is not an individual component part of a piece of equipment, machinery, furniture or other personal property as a whole. An item of taxable personal property does not include an improvement to real property, a part that will become an improvement, or anything defined as a fixture.

(2) (a) On and after January 1, 2015, except as provided in subsection (8) of this section, each person's personal property, located in the county, ~~which is and~~ not otherwise exempt, shall be exempt to the extent of one hundred thousand dollars (\$100,000).

(b) On and after January 1, 2022, except as provided in subsection (8) of this section, each person's personal property, located in the county, ~~which is and~~ not otherwise exempt, shall be exempt to the extent of an additional amount of one hundred fifty thousand dollars



(\$150,000). The combined exemption under this paragraph and paragraph (a) of this subsection shall not exceed a total amount of two hundred fifty thousand dollars (\$250,000).

(c) For the purposes of this section, a person includes two (2) or more people using the property in a common enterprise who are within a relationship described in section 267 of the Internal Revenue Code, as defined in section 63-3004, Idaho Code.

(d) On and after January 1, 2022, any locally assessed personal property is exempt from taxation if it is:

(i) Self-propelled, self-powered, or pull-type equipment and machinery;

(ii) Primarily employed for the use of construction, logging, or mining of salable minerals as defined in section 47-701A, Idaho Code; and

(iii) Designed to travel to various job sites.

(3) (a) No later than the third Monday of November 2013, the county clerk of each county shall certify to the state tax commission the amount of exemption from property taxes under subsection (2) (a) of this section, in that county for that year. No later than the third Monday of November 2022, the county clerk of each county shall certify to the state tax commission the amount of exemption from property taxes under subsection (2) (b) of this section in that county for that year. The certification shall identify the property receiving tax reductions, the value of the property, the property's location, the amount of the tax levy applicable to personal property in the location, and the tax before and after the exemption allowed in subsection (2) of this section. The certification shall be in the form prescribed by the state tax commission and shall include such additional information as the commission may require by rule as needed to implement the purpose of this section. The certification shall be reviewed and, if necessary, corrected by the state tax commission.

(b) Except as provided in subsection (7) of this section, a taxing district created prior to January 1, 2013, shall be eligible for reimbursement for the exemptions granted under subsection (2) (a) and (b) of this section. A taxing district created on and after January 1, 2013, and prior to January 1, 2022, shall be eligible for reimbursement of property taxes exempted only under subsection (2) (b) of this section. A taxing district created on or after January 1, 2022, shall not be eligible for reimbursement of any property taxes exempted under this section. The amount of annual replacement of property tax on personal property exempted pursuant to subsection (2) of this section shall be the amount approved by the state tax commission pursuant to paragraph (a) of this subsection.

(4) (a) Subject to the limitations of this section, the state tax commission shall reimburse from the amount appropriated for personal property tax replacement in section 63-3638, Idaho Code, the county treasurer of each county for the reduction on the certifications provided in subsection (3) of this section. The county treasurer shall reimburse from the amount received to each taxing district within the county an amount in proportion to the amount of reduction shown on the certifications in subsection (3) of this section as corrected. The amount that would otherwise be attributable to tax revenues derived from tax levies on personal property exempted by this section within an existing revenue allocation area as defined in section 50-2903(15), Idaho Code, shall be paid directly by the county treasurer to such public body or agency entitled thereto, equal to the amounts that would have been distributed in accordance with the formula for such distribution set forth in section 50-2908, Idaho Code.

(b) The state tax commission shall pay one-half (1/2) of the reimbursement provided in this section no later than December 20 of each year, and the second one-half (1/2) shall be paid by no later than June 20 of the following year. The money received by the county tax collector under the provisions of this section may be considered by counties and other taxing districts and budgeted against at the same time, and in the same manner, and in the same year as revenues from taxation. The total amount paid to the county treasurers shall not exceed the amount certified to the state tax commission under subsection (3) of this section.

(c) For purposes of the limitation provided by section 63-802, Idaho Code, moneys received from distributions pursuant to section 63-3638, Idaho Code, as property tax replacement for the taxable value of property exempt from taxation pursuant to this section shall be treated as property tax revenues.

(5) (a) Nothing contained in this section shall affect the taxation of forest lands or forest products pursuant to chapter 17, title 63, Idaho Code, or the taxation of the net profits of mines pursuant to chapter 28, title 63, Idaho Code.

(b) The exemption from personal property tax provided for in subsection (2) of this section shall not apply to motor vehicles, recreational vehicles, aircraft and boats that are not registered with the state of Idaho and for which required registration fees have not been paid.

(6) (a) The application for the exemption provided for in subsection (2) of this section shall be in the form prescribed by the state tax commission and shall include such information as the state tax commission may require by rule as needed to implement the purpose of this section including, but not limited to, a list of each item of personal property, the purchase date of each item of personal property, the unit cost of each item of personal property, if more than the exemption allowed in subsection (1) of this section, and the total cost of the items of personal property.

(b) The application for this exemption, if the county is capable of so providing, may be transmitted by the county assessor electronically, as that term is defined in section 63-115, Idaho Code, when requested by the taxpayer, or mailed by the county assessor to the taxpayer, or his agent or representative at the taxpayer's last known post office address, no later than March 1 of each year. The transmission or mailing of the application shall also include the taxpayer's application for the exemption allowed by this section for the last year in which the taxpayer filed an application.

(c) A taxpayer need only make application for the exemption in this section once as long as all of the following conditions are met:

(i) The taxpayer has received the exemption during the previous year as a result of him making a valid application as defined in this section.

(ii) The amount of the exemption allowed by this section is more than the taxable value of personal property owned by the taxpayer.

(iii) The taxpayer has not made purchases of personal property, excluding items of taxable personal property exempted pursuant to subsection (1) of this section, that would cause the taxable value of the personal property owned by the taxpayer to exceed the maximum amount allowed as an exemption by this section.

(d) Knowingly failing to report changes in the taxable value of personal property that exceed the amount of the exemption allowed pursuant to this section shall subject the taxpayer to a fine not in excess of ten thousand dollars (\$10,000) in addition to other penalties set forth in this chapter.

(7) Recovery of property tax exemptions allowed by this section but improperly claimed:

(a) Upon discovery of evidence, facts or circumstances indicating any exemption allowed by this section was improperly claimed, the county assessor shall decide whether the exemption claimed should have been allowed, and, if not, notify the board of county commissioners, at which time the board may waive a recovery of the property tax and notify such taxpayer in writing.

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

(c) The taxpayer may appeal to the board of tax appeals the decision by the board of county commissioners to assess the recovery of property tax within thirty (30) days of the date the county assessor sent the notice to the taxpayer pursuant to this section.

(d) For purposes of calculating the tax, the amount of the recovered property tax shall be for each year the exemption allowed by this section was improperly claimed or approved, up to a maximum of seven (7) years. The amount of the recovery of property tax shall be calculated using the product of the amount of exempted value for each year multiplied by the levy for that year plus costs, late charges and interest for each year at the rates equal to those provided for delinquent property taxes during that year. In cases of fraud, the fine set forth in subsection (6) (d) of this section shall be assessed for each tax year.

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

(f) Recovered property taxes shall be billed, collected and distributed in the same manner as property taxes. If the recovery is for property tax for which the state provided replacement money, the amounts recovered shall be reported and remitted to the state tax commission, which shall reimburse the general fund. The state tax commission will then notify each affected taxing district or unit of its proportionate share of the recovered property tax, which amount shall be deducted from future payments to be made pursuant to subsection (3) of this section.

(g) Thirty (30) days after the taxpayer is notified, as provided in paragraph (a) of this subsection, the assessor shall record a notice of intent to attach a lien. Upon the payment in full of such recovered property taxes prior to the attachment of the lien as provided in paragraph (h) of this subsection, or upon the successful appeal by the taxpayer, the county assessor shall record a rescission of the intent to attach a lien within seven (7) business days of receiving such payment or within seven (7) business days of the county commissioners' decision granting the appeal.

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

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

(8) For operating property with values apportioned to more than one (1) county, the personal property exemption shall be subtracted from the Idaho allocated value prior to apportionment and, for private railcar companies, prior to determining whether their values are to be apportioned. Notwithstanding amounts calculated as provided in subsection (1) of this section, the amount of the exemption otherwise provided in subsection (2) of this section shall be calculated as follows:

(a) Take the lesser amount of:

(i) The number of counties in which a company has operating property multiplied by two hundred fifty thousand dollars (\$250,000); or

(ii) The total statewide value of eligible personal property reported by the company.

(b) Reduce the amount calculated in paragraph (a) of this subsection by the value of any nonoperating personal property granted the exemption otherwise found in subsection (2) of this section, as reported by county assessors.

SECTION 3. That Section 63-904, Idaho Code, be, and the same is hereby amended to read as follows:

63-904. SPECIAL PROVISIONS FOR COLLECTION OF PROPERTY TAXES ON PERSONAL PROPERTY. (1) If a personal property owner fails to make timely payment on the first one-half (1/2) provided for, the unpaid portion of the entire tax shall immediately become due and payable and a late charge as provided in section 63-201, Idaho Code, and interest as provided in section 63-1001, Idaho Code, on the unpaid portion of the first half shall be added. Interest shall be calculated from January 1 of the year following the year for which the taxes were assessed.

(2) All personal property taxes are due and payable upon demand. If no demand is made, taxes may be paid in part or in full until the tax collector issues a warrant of distraint for collection of said taxes.

(3) Whenever the county assessor notifies the tax collector of personal property that has been listed on a property roll, the tax collector may demand immediate payment of any property taxes due from the owner. Property taxes due shall be calculated using the previous year's levies, unless current year's levies are known.

(4) In lieu of demanding immediate payment of property taxes due, the county tax collector may require a surety bond adequate to secure the payment and collection of property taxes that may be due to that county.

~~(5) Property taxes on transient personal property shall be payable on demand, or in full on the due date stated on the notice. No extensions shall be granted on transient personal property.~~

~~(6) In the event a taxpayer is unable to pay his personal property tax due on or before December 20, he may appeal to the county commissioners prior to the property tax becoming delinquent. If sufficient information is given to satisfy the county commissioners that the property taxes will be paid, the county commissioners may grant an extension of time for the payment of the property taxes, late charges and interest, not to exceed four (4) months. A warrant of distraint shall not be issued until the expiration of the extended time. No extensions shall be granted on the second one-half (1/2) of the property tax.~~

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 retroactively to January 1, 2022.

CHAPTER 226  
(S.B. No. 1289, As Amended)

AN ACT

RELATING TO THE LEGISLATURE; AMENDING CHAPTER 4, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-465, IDAHO CODE, TO AUTHORIZE EITHER OR BOTH HOUSES OF THE LEGISLATURE TO INTERVENE IN CERTAIN ACTIONS REGARDING CONSTITUTIONALITY OF AN IDAHO STATUTE; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 4, 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 67-465, Idaho Code, and to read as follows:

67-465. INTERVENTION IN ACTIONS REGARDING CONSTITUTIONALITY OF A STATUTE. When a party to an action challenges in state or federal court the constitutionality of an Idaho statute, facially or as applied, challenges an Idaho statute as violating or being preempted by federal law, or otherwise challenges the construction or validity of an Idaho statute, either or both houses of the legislature may intervene in the action as a matter of right by serving a motion upon the parties as provided in state or federal rules of civil procedure, whichever is applicable.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 25, 2022

CHAPTER 227  
(S.B. No. 1290)

AN ACT

RELATING TO THE RURAL AND UNDERSERVED EDUCATOR INCENTIVE PROGRAM; AMENDING TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 65, TITLE 33, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING THE RURAL AND UNDERSERVED EDUCATOR INCENTIVE PROGRAM, TO DEFINE TERMS, TO PROVIDE FOR CERTAIN DUTIES REGARDING CRITICAL QUALITY EDUCATOR SHORTAGES, TO PROVIDE FOR LOAN REPAYMENT ASSISTANCE IN CERTAIN INSTANCES, AND TO PROVIDE FOR AWARD PROTOCOLS AND STATUTORY CONSTRUCTION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. 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 65, Title 33, Idaho Code, and to read as follows:

CHAPTER 65  
RURAL AND UNDERSERVED EDUCATOR INCENTIVE PROGRAM

33-6501. RURAL AND UNDERSERVED EDUCATOR INCENTIVE PROGRAM. A rural and underserved educator incentive program as set forth in this chapter shall be administered by the state board of education. The program shall provide for the direct repayment of educational loans of eligible educators or the reimbursement of eligible educational expenses such as additional degrees, advanced degrees, career technical certifications, or other educational expenses. The state board of education may promulgate rules to implement the provisions of this chapter.

33-6502. DEFINITIONS. As used in this chapter:

(1) "Educational loans" means all loans made pursuant to a federal loan program, except federal parent loans for undergraduate students (PLUS), as provided in 20 U.S.C. 1078-2.

(2) "Federal loan program" means educational loans authorized by 20 U.S.C. 1071 et seq., 20 U.S.C. 1087a et seq., and 20 U.S.C. 1087aa et seq.

(3) "Rural and underserved educator" means a full-time, standard certificated individual employed as an instructional or pupil service employee in an eligible Idaho school district or at an eligible public charter school.

33-6503. CRITICAL QUALITY EDUCATOR SHORTAGES. (1) The state board of education shall identify specific schools that are impacted by critical quality educator shortages using the following criteria:

(a) Rural isolation of the school pursuant to section 33-319, Idaho Code; or

(b) Economic disadvantage of the school based on eligibility for funds pursuant to title I, part A of the federal elementary and secondary education act, as amended.

(2) Rural and underserved educators who are employed at schools identified in subsection (1) of this section are eligible for repayment of all or part of any such educator's outstanding educational loans existing at the time of application in accordance with the eligibility and award criteria established in this chapter up to the amount specified in section 33-6504, Idaho Code, or eligible education expenses established by the state board of education and in rules promulgated by the state board of education.

33-6504. LOAN REPAYMENT ASSISTANCE -- EDUCATIONAL EXPENSES REIMBURSEMENT -- ELIGIBILITY AND AWARD CRITERIA. (1) Loan repayment assistance or the reimbursement of eligible education expenses may be provided on behalf of a rural and underserved educator who:

(a) Is employed in a school identified pursuant to section 33-6503, Idaho Code;

(b) Has a signed contract with such school; and

(c) Has an educational loan that is not in default and that has a minimum unpaid current balance of at least one thousand dollars (\$1,000) or has at least one thousand dollars (\$1,000) in eligible education expenses at the time of application; or

(d) Has eligible education expenses that may be reimbursed pursuant to this chapter.

(2) To qualify for loan repayment assistance or education expense reimbursement under this chapter, a rural and underserved educator shall submit an application to the state board of education. For loan repayment applications, the application must include official verification or proof of the applicant's total unpaid accumulated educational loan debt and any other documentation as required by the state board of education for verification of the applicant's eligibility.

(3) A rural and underserved educator is eligible for loan repayment assistance or eligible educational expenses for up to four (4) years, provided that the educator remains employed at the same school or by the same school district. The state board of education may remit payment of the loan on behalf of the rural and underserved educator in accordance with the requirements of this chapter and rules promulgated by the state board of education.

(4) The total incentive award shall be:

- (a) One thousand five hundred dollars (\$1,500) for the first year;
  - (b) Two thousand five hundred dollars (\$2,500) for the second year;
  - (c) Three thousand five hundred dollars (\$3,500) for the third year;
- and
- (d) Four thousand five hundred dollars (\$4,500) for the fourth year.

33-6505. AWARD PROTOCOLS -- CONSTRUCTION. (1) The state board of education may promulgate rules to establish protocols for determining the number of incentive awards that will be made annually based on available appropriations for the program.

(2) The state board of education shall define the criteria for determining the schools that are most impacted by critical quality educator shortages.

(3) Nothing in this chapter may be construed to require the provision of incentive awards without an appropriation for that purpose.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 25, 2022

CHAPTER 228  
(H.B. No. 695)

AN ACT

RELATING TO RECALL PETITIONS; AMENDING SECTION 34-1702, IDAHO CODE, TO REVISE PROVISIONS REGARDING REQUIRED SIGNATURES ON RECALL PETITIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 34-1702, Idaho Code, be, and the same is hereby amended to read as follows:

34-1702. REQUIRED SIGNATURES ON PETITION. A petition for recall of an officer shall be instituted by filing with the appropriate official a verified written petition requesting such recall.

(1) If the petition seeks recall of any of the officers named in subsection (1) (a) of section 34-1701, Idaho Code, the petition shall be filed with the secretary of state, and must be signed by registered electors equal in number to twenty percent (20%) of the number of electors registered to vote at the last general election held to elect a governor.

(2) If the petition seeks recall of any of the officers named in subsection (1) (b) of section 34-1701, Idaho Code, the petition shall be filed with the secretary of state, and must be signed by registered electors of the legislative district equal in number to twenty percent (20%) of the number of electors registered to vote at the last general election held in the legislative district at which the member was elected.

(3) If the petition seeks recall of any of the officers named in subsection (2) (a) of section 34-1701, Idaho Code, the petition shall be filed with the county clerk, and must be signed by registered electors of the county equal in number to twenty percent (20%) of the number of electors registered to vote at the last general election held in the county for the election of county officers at which the officer was elected.

(4) If the petition seeks recall of any of the officers named in subsection (3) of section 34-1701, Idaho Code, the petition shall be filed with the county clerk, and must be signed by registered electors of the city equal in number to twenty percent (20%) of the number of electors registered to vote at the last general city election held in the city for the election of officers. If the city is located in two (2) or more counties, the clerk in each county shall perform the functions within that county as provided in section 34-1401, Idaho Code.

(5) If the petition seeks recall of any of the officers named in subsection (4) of section 34-1701, Idaho Code, the petition shall be filed with the county clerk of the county wherein the district is located. If the district is located in two (2) or more counties, the clerk in each county shall perform the functions within that county. The petition must be signed by registered electors ~~of the district or school trustee zone~~ residing within the district, subdistrict, or zone in which the electors are eligible to vote for the official, equal in number to fifty percent (50%) of the number of electors who cast votes in the last election ~~of the district or school trustee zone within the district, subdistrict, or zone~~. If no ~~district~~ such election has been held in the last six (6) years, the petition must be signed by twenty percent (20%) of the number of electors registered to vote in the district, subdistrict, or school trustee zone in which the electors are eligible to vote for the official, as calculated at the time the petition is filed.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 25, 2022

CHAPTER 229  
(H.B. No. 705)

AN ACT

RELATING TO MARTIAL LAW; AMENDING SECTION 46-601, IDAHO CODE, TO PROVIDE FOR CERTAIN LIMITATIONS DURING A STATE OF EXTREME EMERGENCY AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 46-601, Idaho Code, be, and the same is hereby amended to read as follows:

46-601. AUTHORITY OF GOVERNOR.

(1) (a) The governor may proclaim a state of extreme emergency and then order into the active service of the state the national guard, as he may deem proper.

(b) "State of extreme emergency" means:

(i) The duly proclaimed existence of conditions threatening the safety of persons or property within the state, or any part thereof, caused by an enemy attack or threatened attack; or



(ii) The duly proclaimed existence of conditions threatening persons or property within the state, or any part thereof, caused by such conditions as fire, flood, storm, epidemic, pandemic, volcano, earthquake, violent insurrection, riot, revolt, explosion, cyber attack on critical infrastructure, or other conditions that by reason of their magnitude are or are likely to be beyond the control of the services, personnel, equipment, and facilities of any county, any city, or any city and county or result in mass casualties.

(c) "Enemy attack" means an actual attack by terrorists or a foreign nation by terrorism, hostile air raids, or other form of warfare upon the state or any other state or territory of the United States.

(d) "Violent insurrection" means a violent movement or violent actions by persons intending to overthrow the lawful government.

(e) "Terrorism" is as defined in section 18-8102, Idaho Code.

(2) (a) During a declared state of extreme emergency, the governor shall have authority over all executive agencies and departments of the state government, including all separate boards and commissions, and the right to exercise within the area or regions wherein the state of extreme emergency exists, subject to the provisions of this section, police power vested in the state by the constitution and the laws of the state of Idaho; provided, however, that the governor's exercise thereof must be limited to promulgation, issuance, and enforcement of written rules and orders necessary to support the national guard, essential to protect life or property, ensure the continuity of the constitutional form of government, or that are otherwise required to mitigate serious harm created by the conditions giving rise to the state of extreme emergency. Such rules and orders must be narrowly focused without placing unnecessary restrictions on the ability for a person or persons, regardless of job type or classification, to work, provide for their families, or otherwise contribute to the economy of the state of Idaho.

(b) Such rules and orders must, whenever practicable, be prepared in advance of extreme emergency, and the governor shall cause widespread publicity and notice to be given of such rules and orders. Rules and orders issued under the authority of this section must not become operative until the governor proclaims a state of extreme emergency. Such rules and orders shall be filed in the office of the secretary of state as soon as possible after their issuance. A copy of such rules and orders shall likewise be filed in the office of the county clerk of each county, any portion of which is included within the area wherein a state of extreme emergency has been proclaimed.

(c) The state of extreme emergency must terminate by either the expiration of the period for which it was proclaimed or the need for said state of extreme emergency has ceased.

(d) Whenever the governor declares a state of extreme emergency encompassing twelve (12) or more counties, the powers granted by the legislature to the governor in paragraph (a) of this subsection shall be revoked on the ninetieth day of the proclaimed state of extreme emergency unless the legislature is in regular session or the governor issues a proclamation convening an extraordinary session of the legislature for the purpose of having the legislature vote on whether to revoke any or all powers granted to the governor in paragraph (a) of this subsection. If the governor elects to issue a proclamation convening an extraordinary session, such proclamation must identify a date for the legislature to convene that is no later than twenty-one (21) days after the issuance of the proclamation. The governor, consistent with section 9, article IV of the constitution of the state of Idaho, may identify addi-

tional subjects for legislation during the extraordinary session, including the appropriation of necessary emergency funds.

(e) In the event those conditions giving rise to the state of extreme emergency prevent or render it impracticable for a legislator to participate in the regular or extraordinary session, the legislator shall be replaced by an interim successor designated and qualified in accordance with the emergency interim legislative succession act, as provided in sections 67-413 through 67-426, Idaho Code.

(f) The governor may not circumvent the ninety (90) day limitation by redeclaring successive states of extreme emergency for the same conditions that gave rise to the proclaimed state of extreme emergency.

(3) During any proclaimed state of extreme emergency, insurrection, or martial law, neither the governor nor any agency of any governmental entity or political subdivision of the state shall impose:

(a) Impose or enforce federal restrictions prohibited under Idaho law on the lawful possession, manufacturing, transfer, sale, transport, storage, display, or use of firearms or ammunition or otherwise suspend or unconstitutionally limit any rights guaranteed by the United States constitution or the constitution of the state of Idaho, including but not limited to the right to peaceable assembly and free exercise of religion. The transport, storage, transfer, sale, import and export, distribution, repair, maintenance, and manufacture of and commerce in firearms, ammunition, and related accessories and components, shooting ranges, and other goods and services directly related to lawful firearm possession, use, storage, repair, maintenance, sale or transfer, and training in the use of firearms are declared to be life-sustaining, essential businesses and services for the purposes of safety and security in times of declared emergency or any other statutorily authorized responses to disaster, war, acts of terrorism, riot or civil disorder, public health crises, or emergencies of whatever kind or nature;

(b) Suspend or revoke a license to carry concealed weapons or refuse to accept and process an application for a license to carry concealed weapons, except in accordance with the provisions of chapter 33, title 18, Idaho Code; or

(c) Notwithstanding the provisions of subsection (5) of this section, seize, commandeer, or confiscate in any manner any privately owned firearm, ammunition, or firearms or ammunition components that are possessed, carried, displayed, sold, transferred, transported, stored, or used in connection with otherwise lawful conduct.

(4) During any state of extreme emergency, the governor may not alter, adjust, or suspend any provision of the Idaho Code but for good cause may temporarily suspend enforcement of particular provisions that prevent, hinder, or delay necessary action to respond to the state of extreme emergency. The governor shall file a notice describing the temporary suspension of enforcement of any particular provisions with the office of the secretary of state as soon as possible after such suspension, and copies thereof shall be delivered to the speaker of the Idaho house of representatives, the president pro tempore of the Idaho senate, and the chief justice of the Idaho supreme court.

(5) Nothing in this section shall prohibit the governor from deploying the national guard as he may deem proper.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

CHAPTER 230  
(H.B. No. 481)

AN ACT

RELATING TO PROPERTY TAX REDUCTION; AMENDING SECTION 63-705, IDAHO CODE, TO REVISE PROVISIONS REGARDING EXCLUSIONS FROM THE PROPERTY TAX REDUCTION PROGRAM AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

SECTION 1. That Section 63-705, Idaho Code, be, and the same is hereby amended to read as follows:

63-705. PUBLICATION OF CHANGES IN INCOME LIMITATIONS AND PROPERTY TAX OR OCCUPANCY TAX REDUCTION AMOUNTS.

(1) (a) The state tax commission shall publish adjustments to the income limitations, which shall be the greater of:

(i) An individual's income as defined in section 63-701, Idaho Code, of not more than thirty-one thousand nine hundred dollars (\$31,900) per household for tax year 2021 and each tax year thereafter; or

(ii) One hundred eighty-five percent (185%) of the federal poverty guidelines for a household of two (2) for tax year 2021 and each tax year thereafter.

(b) On and after January 1, 2022, if the current year's assessed value of the home owned by the individual, according to the current year's assessment notice, exceeds the greater of three hundred thousand dollars (\$300,000) or one hundred ~~twenty-five percent (125%)~~ fifty percent (150%) of the median assessed valuation for all homes in the county receiving the homestead exemption pursuant to section 63-602G, Idaho Code, then the individual will instead be referred to the property tax deferral program set forth in sections 63-712 through 63-721, Idaho Code. Using the current year's assessed values, each county shall report the median assessed value of all properties receiving the homestead exemption in such county as of that date to the state tax commission no later than the first Monday in June. Provided, however, the provisions of this paragraph do not apply to a veteran with either a service-connected disability of one hundred percent (100%) or a disability rating based on individual unemployability rating that is compensated at the one hundred percent (100%) disability rate, as certified by the United States department of veterans affairs.

(c) The lowest income limitation shall allow a maximum reduction of one thousand five hundred dollars (\$1,500) in tax year 2021 and thereafter, or actual property taxes or occupancy taxes, as applicable, whichever is less. Each income limitation and reduction amount shall be prorated based on the basic maximum reduction, in practicable increments so that the highest income limitation will provide for a reduction of two hundred fifty dollars (\$250), or actual property taxes, whichever is less.

(2) The state tax commission shall publish the adjustments required by this section each and every year the secretary of health and human services announces cost-of-living modifications, pursuant to 42 U.S.C. 415(i). The adjustments shall be published no later than October 1 of each such year and shall be effective for claims filed in and for the following property tax year.

(3) The publication of adjustments under this section shall be exempt from the provisions of chapter 52, title 67, Idaho Code, but shall be provided to each county and to members of the public upon request and without charge.

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, 2022.

Approved March 25, 2022

CHAPTER 231  
(H.B. No. 596)

AN ACT

RELATING TO MOTOR VEHICLES; REPEALING SECTION 49-2415, IDAHO CODE, RELATING TO LIABILITY OF MOTOR OWNER TO GUEST; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 49-2415, Idaho Code, be, and the same is hereby repealed.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 25, 2022

CHAPTER 232  
(H.B. No. 621)

AN ACT

RELATING TO PUBLIC RECORDS; AMENDING SECTION 74-105, IDAHO CODE, TO PROVIDE THAT CERTAIN CYBERSECURITY RECORDS ARE EXEMPT FROM DISCLOSURE AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 74-105, Idaho Code, be, and the same is hereby amended to read as follows:

74-105. RECORDS EXEMPT FROM DISCLOSURE -- LAW ENFORCEMENT RECORDS, INVESTIGATORY RECORDS OF AGENCIES, EVACUATION AND EMERGENCY RESPONSE PLANS, WORKER'S COMPENSATION. The following records are exempt from disclosure:

(1) Investigatory records of a law enforcement agency, as defined in section 74-101(7), Idaho Code, under the conditions set forth in section 74-124, Idaho Code.

(2) Juvenile records of a person maintained pursuant to chapter 5, title 20, Idaho Code, except that facts contained in such records shall be furnished upon request in a manner determined by the court to persons and governmental and private agencies and institutions conducting pertinent research studies or having a legitimate interest in the protection, welfare and treatment of the juvenile who is thirteen (13) years of age or younger. If the juvenile is petitioned or charged with an offense which that would be

a criminal offense if committed by an adult, the name, offense of which the juvenile was petitioned or charged, and disposition of the court shall be subject to disclosure as provided in section 20-525, Idaho Code. Additionally, facts contained in any records of a juvenile maintained under pursuant to chapter 5, title 20, Idaho Code, shall be furnished upon request to any school district where the juvenile is enrolled or is seeking enrollment.

(3) Records of the custody review board of the Idaho department of juvenile corrections, including records containing the names, addresses and written statements of victims and family members of juveniles, shall be exempt from public disclosure pursuant to section 20-533A, Idaho Code.

(4) (a) The following records of the department of correction:

(i) Records of which the public interest in confidentiality, public safety, security and habilitation clearly outweighs the public interest in disclosure as identified pursuant to the authority of the state board of correction under section 20-212, Idaho Code;

(ii) Records that contain any identifying information, or any information that would lead to the identification of any victims or witnesses;

(iii) Records that reflect future transportation or movement of a prisoner;

(iv) Records gathered during the course of the presentence investigation;

(v) Records of a prisoner, as defined in section 74-101(10), Idaho Code, or probationer shall not be disclosed to any other prisoner or probationer.

(b) Records, other than public expenditure records, related to proposed or existing critical infrastructure held by or in the custody of any public agency only when the disclosure of such information is reasonably likely to jeopardize the safety of persons, property or the public safety. Such records may include emergency evacuation, escape or other emergency response plans, vulnerability assessments, operation and security manuals, plans, blueprints or security codes. For purposes of this paragraph, "system" includes electrical, computer and telecommunication systems, electric power (including production, generating, transportation, transmission and distribution), heating, ventilation, and air conditioning. For purposes of this subsection, "critical infrastructure" means any system or asset, whether physical or virtual, so vital to the state of Idaho, including its political subdivisions, that the incapacity or destruction of such system or asset would have a debilitating impact on state or national economic security, state or national public health or safety, or any combination of those matters.

(c) Records of the Idaho commission of pardons and parole shall be exempt from public disclosure pursuant to section 20-1003, Idaho Code, and section 20-1005, Idaho Code. Records exempt from disclosure shall also include those containing the names, addresses and written statements of victims.

(5) Voting records of the former sexual offender classification board. The written record of the vote to classify an offender as a violent sexual predator by each board member in each case reviewed by that board member shall be exempt from disclosure to the public and shall be made available upon request only to the governor, the chairman of the senate judiciary and rules committee, and the chairman of the house of representatives judiciary, rules and administration committee, for all lawful purposes.

(6) Records of the sheriff or Idaho state police received or maintained pursuant to sections 18-3302, 18-3302H and 18-3302K, Idaho Code, relating to an applicant or licensee, except that any law enforcement officer and law enforcement agency, whether inside or outside the state of Idaho, may access

information maintained in the license record system as set forth in section 18-3302K(16), Idaho Code.

(7) Records of investigations prepared by the department of health and welfare pursuant to its statutory responsibilities dealing with the protection of children, the rehabilitation of youth, adoptions and the commitment of mentally ill persons. For reasons of health and safety, best interests of the child or public interest, the department of health and welfare may provide for the disclosure of records of investigations associated with actions pursuant to the provisions of chapter 16, title 16, Idaho Code, prepared by the department of health and welfare pursuant to its statutory responsibilities dealing with the protection of children, except any such records regarding adoptions shall remain exempt from disclosure.

(8) Records, including, but not limited to, investigative reports, resulting from investigations conducted into complaints of discrimination made to the Idaho human rights commission unless the public interest in allowing inspection and copying of such records outweighs the legitimate public or private interest in maintaining confidentiality of such records. A person may inspect and copy documents from an investigative file to which he or she is a named party if such documents are not otherwise prohibited from disclosure by federal law or regulation or state law. The confidentiality of this subsection will no longer apply to any record used in any judicial proceeding brought by a named party to the complaint or investigation, or by the Idaho human rights commission, relating to the complaint of discrimination.

(9) Records containing information obtained by the manager of the Idaho state insurance fund pursuant to chapter 9, title 72, Idaho Code, from or on behalf of employers or employees contained in underwriting and claims for benefits files.

(10) The worker's compensation records of the Idaho industrial commission, provided that the industrial commission shall make such records available:

- (a) To the parties in any worker's compensation claim and to the industrial special indemnity fund of the state of Idaho; or
- (b) To employers and prospective employers subject to the provisions of the Americans with disabilities act, 42 U.S.C. 12112, or other statutory limitations, who certify that the information is being requested with respect to a worker to whom the employer has extended an offer of employment and will be used in accordance with the provisions of the Americans with disabilities act, 42 U.S.C. 12112, or other statutory limitations; or
- (c) To employers and prospective employers not subject to the provisions of the Americans with disabilities act, 42 U.S.C. 12112, or other statutory limitations, provided the employer presents a written authorization from the person to whom the records pertain; or
- (d) To others who demonstrate that the public interest in allowing inspection and copying of such records outweighs the public or private interest in maintaining the confidentiality of such records, as determined by a civil court of competent jurisdiction; or
- (e) Although a claimant's records maintained by the industrial commission, including medical and rehabilitation records, are otherwise exempt from public disclosure, the quoting or discussing of medical or rehabilitation records contained in the industrial commission's records during a hearing for compensation or in a written decision issued by the industrial commission shall be permitted; provided further, the true identification of the parties shall not be exempt from public disclosure in any written decision issued and released to the public by the industrial commission.

(11) Records of investigations compiled by the commission on aging involving vulnerable adults, as defined in section 18-1505, Idaho Code, alleged to be abused, neglected or exploited.

(12) Criminal history records and fingerprints, as defined in section 67-3001, Idaho Code, and compiled by the Idaho state police. Such records shall be released only in accordance with chapter 30, title 67, Idaho Code.

(13) Records furnished or obtained pursuant to section 41-1019, Idaho Code, regarding termination of an appointment, employment, contract or other insurance business relationship between an insurer and a producer.

(14) Records of a prisoner or former prisoner in the custody of any state or local correctional facility, when the request is made by another prisoner in the custody of any state or local correctional facility.

(15) Except as provided in section 72-1007, Idaho Code, records of the Idaho industrial commission relating to compensation for crime victims under pursuant to chapter 10, title 72, Idaho Code.

(16) Records or information identifying a complainant maintained by the department of health and welfare pursuant to section 39-3556, Idaho Code, relating to certified family homes, unless the complainant consents in writing to the disclosure or the disclosure of the complainant's identity is required in any administrative or judicial proceeding.

(17) Records of any certification or notification required by federal law to be made in connection with the acquisition or transfer of a firearm, including a firearm as defined in 26 U.S.C. 5845(a).

(18) The following records of the state public defense commission:

(a) Records containing information protected or exempted from disclosure under the rules adopted by the Idaho supreme court, attorney work product, attorney-client privileged communication, records containing confidential information from an individual about his criminal case or performance of his attorney, or confidential information about an inquiry into an attorney's fitness to represent indigent defendants.

(b) Records related to the administration of the extraordinary litigation fund by the state public defense commission, pursuant to section 19-850(2)(e), Idaho Code, to the extent that such records contain information protected or exempted from disclosure under rules adopted by the Idaho supreme court, attorney work product or attorney-client privileged communication. This exemption does not include the amount awarded based upon an application for extraordinary litigation funds.

(19) Records and information received by the office of the state controller from any local government, state agency and department, or volunteer nongovernmental entity for purposes of entry into the criminal justice integrated data system pursuant to section 19-4803, Idaho Code, and all records created by persons authorized to research and analyze information entered into the criminal justice integrated data system, regardless of whether such records were previously exempted from disclosure or redacted pursuant to state or federal law or court order. This exemption does not apply to projects, reports, and data analyses approved for release by the data oversight council and issued by persons authorized to conduct research and analysis as set forth in chapter 48, title 19, Idaho Code. Records and information relating to the management of the criminal justice integrated data system shall not be exempt from disclosure except as otherwise provided in law.

(20) Records, other than public expenditure records, relating to the nature, location, or function of cybersecurity devices, programs, or systems designed to protect computer, information technology, or communications systems against terrorist or other attacks.

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.

CHAPTER 233  
(H.B. No. 791)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF ADMINISTRATION FOR THE DIVISION OF PUBLIC WORKS FOR FISCAL YEAR 2022; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE PERMANENT BUILDING FUND; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR THE DIVISION OF PUBLIC WORKS AND DIRECTING THE ALLOCATION OF FUNDS FOR SPECIFIC PROJECTS FOR FISCAL YEAR 2022; AND DECLARING AN EMERGENCY.

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

SECTION 1. CASH TRANSFER. There is hereby appropriated and the Office of the State Controller shall transfer \$251,000,000 from the General Fund to the Permanent Building Fund as soon as practicable for the period July 1, 2021, through June 30, 2022.

SECTION 2. In addition to the appropriation made in Section 1, Chapter 170, Laws of 2021, and any other appropriation provided by law, there is hereby appropriated to the Department of Administration for the Division of Public Works \$251,000,000 from the Permanent Building Fund to be expended for capital outlay for the period July 1, 2021, through June 30, 2022, for the following capital projects:

Veterans Homes Private Room Conversions	\$75,000,000
Pocatello Reentry Center	12,000,000
Medical Annex Complex Improvements	37,600,000
848-Bed Female Prison	112,400,000
State Capitol Office Build-out	11,000,000
CEI Future Tech Facility	<u>3,000,000</u>
TOTAL	\$251,000,000

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

Approved March 25, 2022



CHAPTER 234  
(H.B. No. 796)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF FACILITIES; APPROPRIATING MONEYS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF FACILITIES FOR FISCAL YEAR 2023; PROVIDING THE NECESSARY FUNDS FOR THE BOND LEVY EQUALIZATION PROGRAM; SPECIFYING THE AMOUNT OF REVENUE DISTRIBUTED TO THE GENERAL FUND FOR FISCAL YEAR 2023; TRANSFERRING MONEYS TO THE PUBLIC SCHOOL INCOME FUND FOR FISCAL YEAR 2023; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. There is hereby appropriated to the Public Schools Educational Support Program's Division of Facilities the following amounts to be expended from the listed funds for the period July 1, 2022, through June 30, 2023:

FROM:

General Fund	\$15,605,700
Bond Levy Equalization Fund	24,173,800
School District Building Account	<u>31,687,500</u>
TOTAL	\$71,467,000

SECTION 2. TRANSFER. Of the moneys appropriated to the Public Schools Educational Support Program's Division of Facilities, the amount necessary to fund the provisions of Section 33-906, Idaho Code, is hereby transferred and appropriated to the Bond Levy Equalization Fund. If the funding appropriated in Section 1 of this act is insufficient to meet the requirements of Section 33-906, Idaho Code, the difference shall be withdrawn and paid from the Public Education Stabilization Fund, notwithstanding any other provision of law to the contrary.

SECTION 3. DISTRIBUTION TO THE GENERAL FUND. Notwithstanding the provisions of Section 63-2520(b)(4), Idaho Code, the amount of revenue distributed to the General Fund shall be \$1,288,100 for the period July 1, 2022, through June 30, 2023.

SECTION 4. TRANSFER FOR PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM. Of the moneys appropriated in Section 1 of this act, there is hereby appropriated and the Office of the State Controller shall transfer \$14,317,600 from the General Fund to the Public School Income Fund to be expended for the Public Schools Educational Support Program's Division of Facilities for the period July 1, 2022, through June 30, 2023.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 25, 2022

CHAPTER 235  
(H.B. No. 790)

AN ACT

RELATING TO PUBLIC SCHOOL FUNDING; AMENDING SECTION 33-1002, IDAHO CODE, TO REVISE PROVISIONS REGARDING FUNDING FOR LITERACY INTERVENTION; AMENDING CHAPTER 8, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-802B, IDAHO CODE, TO PROVIDE THAT THE BALLOT AT AN ELECTION TO AUTHORIZE CERTAIN LEVIES SHALL INCLUDE A DISCLOSURE, TO PROVIDE THAT A BALLOT QUESTION MUST BE ACCOMPANIED BY THE DISCLOSURE IN ORDER TO BE BINDING, AND TO PROVIDE THAT A COURT MUST DECLARE THE OUTCOME OF A BALLOT QUESTION INVALID UNDER CERTAIN CIRCUMSTANCES; AMENDING CHAPTER 8, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-802C, IDAHO CODE, TO PROVIDE THAT A SCHOOL DISTRICT SHALL USE SUPPLEMENTAL LEVY REVENUES ONLY FOR CERTAIN PURPOSES; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 33-1002, 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) Salary-based apportionment calculated as provided in sections 33-1004 through 33-1004F, Idaho Code;

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

(h) For expenditure as provided by the public school technology program;

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

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

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

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

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

- (n) For additional math and science courses for high school students as provided in section 33-1021, Idaho Code;
- (o) For leadership premiums as provided in section 33-1004J, Idaho Code;
- (p) For master teacher premiums as provided in section 33-1004I, 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 eighteen thousand dollars (\$18,000), 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 eighty dollars (\$180) per student enrolled in grades 8 through 12 or nine thousand dollars (\$9,000), whichever is greater;
- (s) An amount specified in the public schools educational support program appropriation bill for literacy intervention ~~pursuant to section 33-1807, Idaho Code, the~~. 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; shall be calculated as follows:
- (i) Fifty percent (50%) based on average full-time equivalent enrollment of students in kindergarten through grade 3 as of the first Friday in November;
  - (ii) Fifty percent (50%) based on the number of kindergarten through grade 3 students who move a full level or who are proficient from the spring-to-spring administration of the statewide reading assessment in the prior fiscal year or, if there is not a prior spring assessment for the student, from fall to spring; and
  - (iii) Funds will be distributed to the school district or public charter school where the student is enrolled and takes the statewide reading assessment. Any school district or public charter school that has greater than one (1) but fewer than five (5) students in kindergarten through grade 3 will receive a minimum of two thousand dollars (\$2,000). Economically disadvantaged students shall count as one and three quarters (1.75) students for the purpose of calculating the distribution of the funds in subparagraph (ii) of this paragraph.
- (t) For mastery-based education as provided for in section 33-1632, Idaho Code;
- (u) For pay for success contracting as provided 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 2. That Chapter 8, 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 33-802B, Idaho Code, and to read as follows:

33-802B. DISCLOSURES IN ELECTIONS TO AUTHORIZE SUPPLEMENTAL LEVY. (1) At an election to authorize a levy pursuant to section 33-802(3) or (5), Idaho Code, the ballot shall include a disclosure, separate from the ballot question, of the purposes for which the levy revenues will be used. The disclosure shall:

- (a) Be set forth in simple, understandable language;
- (b) Include a detailed description of the purposes for which the levy revenues will be used and the approximate amount of levy funds to be allocated for each purpose, such that school district electors have fair notice of the specific items the levy revenues shall support; and
- (c) Be placed immediately above the ballot question on the ballot.

(2) In order to be binding, a ballot question to authorize a levy pursuant to section 33-802(3) or (5), Idaho Code, must be accompanied by the disclosure described in subsection (1) of this section, as well as any other disclosure or information required by law.

(3) Upon a determination by a court pursuant to section 34-2001A, Idaho Code, that a school district failed to comply with the provisions of this section, the court must declare the outcome of the ballot question invalid and award court costs and fees to the prevailing party.

SECTION 3. That Chapter 8, 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 33-802C, Idaho Code, and to read as follows:

33-802C. SUPPLEMENTAL LEVIES -- PURPOSES FOR WHICH REVENUES ARE USED. A school district shall use supplemental levy revenues only for those purposes identified pursuant to section 33-802B(1)(b), Idaho Code. The school district board of trustees shall annually publish, prior to its regular July meeting, a summary of levy revenues and the items for which such revenues were used, alongside a copy of the disclosure included on the ballot pursuant to section 33-802B, Idaho Code.

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 25, 2022

CHAPTER 236  
(S.B. No. 1408)

AN ACT

RELATING TO THE APPROPRIATION TO THE WORKFORCE DEVELOPMENT COUNCIL FOR FISCAL YEAR 2022; APPROPRIATING ADDITIONAL MONEYS TO THE WORKFORCE DEVELOPMENT COUNCIL FOR FISCAL YEAR 2022; AUTHORIZING ADDITIONAL FULL-TIME EQUIVALENT POSITIONS FOR FISCAL YEAR 2022; 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 79, Laws of 2021, and any other appropriation provided by law, there is hereby appropriated to the Workforce Development Council the following amounts to be expended according to the designated expense classes from the ARPA State Fiscal Recovery Fund for the period July 1, 2021, through June 30, 2022, for the purpose of Child Care Infrastructure Grants:

FOR:

Personnel Costs	\$166,600
Operating Expenditures	15,000
Trustee and Benefit Payments	<u>14,818,400</u>
TOTAL	\$15,000,000

SECTION 2. FTP AUTHORIZATION. The full-time equivalent position authorization provided to the Workforce Development Council in Section 2, Chapter 79, Laws of 2021, is hereby increased by two (2.00) for the period July 1, 2021, through June 30, 2022.

SECTION 3. LEGISLATIVE INTENT. It is the intent of the Legislature to use onetime ARPA State Fiscal Recovery Fund moneys to make investments that expand high quality child care capacity, including grants to offset start-up costs for employers providing on-site care and providers, to expand the number of children served. The Workforce Development Council will provide quarterly reporting to the Joint Finance-Appropriations Committee and the Legislative Services Office.

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 25, 2022



CHAPTER 237  
(S.B. No. 1410)

AN ACT

RELATING TO THE APPROPRIATION TO THE DIVISION OF VETERANS SERVICES; APPROPRIATING MONEYS TO THE DIVISION OF VETERANS SERVICES FOR FISCAL YEAR 2023; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; APPROPRIATING ADDITIONAL MONEYS TO THE DIVISION OF VETERANS SERVICES FOR FISCAL YEAR 2022; REDUCING THE APPROPRIATION TO THE DIVISION OF VETERANS SERVICES FOR THE BLACKFOOT CEMETERY FOR FISCAL YEAR 2022; PROVIDING REAPPROPRIATION AUTHORITY FOR THE FEDERAL GRANT FUND; PROVIDING REAPPROPRIATION AUTHORITY FOR THE COVID-19 RELIEF FUND; PROVIDING REAPPROPRIATION AUTHORITY FOR THE AMERICAN RESCUE PLAN FUND; PROVIDING REAPPROPRIATION AUTHORITY FOR THE VETERANS HOME ENDOWMENT INCOME FUND; PROVIDING REAPPROPRIATION AUTHORITY FOR THE VETERANS RECOGNITION INCOME FUND; AND DECLARING AN EMERGENCY.

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 according to the designated expense classes from the listed funds for the period July 1, 2022, through June 30, 2023:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
General					
Fund	\$1,318,700	\$170,700		\$42,400	\$1,531,800
Veterans Recognition Income					
Fund		1,000,000		195,000	1,195,000
Miscellaneous Revenue					
Fund	17,508,200	5,075,500			22,583,700
Veterans Home Endowment Income					
Fund	215,200	637,100	\$22,500	1,500	876,300
Federal Grant					
Fund	<u>14,059,500</u>	<u>12,374,600</u>	<u>198,100</u>	<u>0</u>	<u>26,632,200</u>
TOTAL	\$33,101,600	\$19,257,900	\$220,600	\$238,900	\$52,819,000

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Division of Veterans Services is authorized no more than four hundred forty-seven and one-half (447.50) full-time equivalent positions at any point during the period July 1, 2022, through June 30, 2023, 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 114, Laws of 2021, and any other appropriation provided by law, there is hereby appropriated to the Division of Veterans Services the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2021, through June 30, 2022:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
<b>FROM:</b>				
<b>General</b>				
Fund	\$190,300	\$34,700		\$225,000
<b>Veterans Recognition Income</b>				
Fund		1,000,000		1,000,000
<b>Veterans Home Endowment Income</b>				
Fund		113,000	\$271,500	384,500
<b>American Rescue Plan</b>				
Fund	3,255,300	1,069,000		4,324,300
<b>Federal COVID-19 Relief</b>				
Fund		4,887,000		4,887,000
<b>Federal Grant</b>				
Fund	<u>0</u>	<u>0</u>	<u>539,000</u>	<u>539,000</u>
<b>TOTAL</b>	<b>\$3,445,600</b>	<b>\$7,103,700</b>	<b>\$810,500</b>	<b>\$11,359,800</b>

**SECTION 4. Notwithstanding any other provision of law to the contrary, the appropriation made to the Division of Veterans Services for the Blackfoot Cemetery in Section 3, Chapter 114, Laws of 2021, is hereby reduced by the following account categories from the listed funds for the period July 1, 2021, through June 30, 2022:**

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
<b>FROM:</b>			
<b>Miscellaneous Revenue</b>			
Fund	\$190,300	\$24,700	\$215,000
<b>Federal Grant</b>			
Fund	<u>0</u>	<u>1,672,600</u>	<u>1,672,600</u>
<b>TOTAL</b>	<b>\$190,300</b>	<b>\$1,697,300</b>	<b>\$1,887,600</b>

**SECTION 5. REAPPROPRIATION AUTHORITY.** There is hereby reappropriated to the Division of Veterans Services any unexpended and unencumbered balances appropriated to the Division of Veterans Services for fiscal year 2022 from the Federal Grant Fund for the following purposes: the Blackfoot cemetery expenses, veterans homes equipment purchases, construction costs for the Post Falls veterans home, the Boise veterans cemetery, and the Pocatello and Lewiston veterans homes projects in an amount not to exceed \$30,760,800 to be used for nonrecurring expenditures for the period July 1, 2022, through June 30, 2023, for the purpose of the Blackfoot cemetery expenses, veterans homes equipment purchases, construction costs for the Post Falls veterans home, the Boise veterans cemetery, and the Pocatello and Lewiston veterans homes projects. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 6. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Division of Veterans Services any unexpended and unencumbered balances appropriated to the Division of Veterans Services for fiscal year 2022 from the COVID-19 Relief Fund for the veterans homes COVID-19 response in an amount not to exceed \$4,887,000 to be used for nonrecurring expenditures for the period July 1, 2022, through June 30, 2023, for the purpose of veterans homes COVID-19 response. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 7. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Division of Veterans Services any unexpended and unencumbered balances appropriated to the Division of Veterans Services for fiscal year 2022 from the American Rescue Plan Fund for the purpose of acquiring personal protective equipment (PPE) and supplemental staffing at veterans homes in an amount not to exceed \$4,324,300 to be used for nonrecurring expenditures for the period July 1, 2022, through June 30, 2023, for the purpose of acquiring PPE and supplemental staffing. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 8. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Division of Veterans Services any unexpended and unencumbered balances appropriated to the Division of Veterans Services for fiscal year 2022 from the Veterans Home Endowment Income Fund for equipment at the state veterans homes in an amount not to exceed \$384,500 to be used for nonrecurring expenditures for the period July 1, 2022, through June 30, 2023, for the purpose of acquiring equipment for state veterans homes. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 9. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Division of Veterans Services any unexpended and unencumbered balances appropriated to the Division of Veterans Services for fiscal year 2022 from the Veterans Recognition Income Fund for the addition of a fourth veterans home in Post Falls in an amount not to exceed \$11,157,100 to be used for nonrecurring expenditures for the period July 1, 2022, through June 30, 2023, for the purpose of the addition of a fourth veterans home in Post Falls. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 10. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 25, 2022

CHAPTER 238  
(H.B. No. 795)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF CENTRAL SERVICES; APPROPRIATING MONEYS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF CENTRAL SERVICES FOR FISCAL YEAR 2023; APPROPRIATING GENERAL FUND MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND; DIRECTING THE USE OF MONEYS FOR LITERACY PROGRAMS, INTERVENTION SERVICES, MATH INITIATIVE PROGRAMS, AND LIMITED-ENGLISH PROFICIENCY PROGRAMS; DIRECTING THE USE OF MONEYS FOR STUDENT ASSESSMENTS; DIRECTING THE USE OF MONEYS FOR PROFESSIONAL DEVELOPMENT; PROVIDING REQUIREMENTS FOR DIGITAL CONTENT AND CURRICULUM; PROVIDING GUIDANCE ON YEAR-END RECONCILIATION; PROVIDING REQUIREMENTS FOR TECHNOLOGY CONTENT AND CURRICULUM; DEFINING "DISTRIBUTED" AND "EXPENDED"; REQUIRING AN ACQUISITIONS REPORT; TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE PUBLIC SCHOOL HEALTH INSURANCE PARTICIPATION FUND; CLARIFYING THE ORIGINAL FUND SOURCE FOR EXPENDITURES FOR THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF CENTRAL SERVICES FOR FISCAL YEAR 2023; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. There is hereby appropriated to the Public Schools Educational Support Program's Division of Central Services \$12,587,600 to be expended for operating expenditures from the Public School Income Fund for the period July 1, 2022, through June 30, 2023.

SECTION 2. There is hereby appropriated and the Office of the State Controller shall transfer \$12,587,600 from the General Fund to the Public School Income Fund on July 1, 2022, or as soon thereafter as practicable for the period July 1, 2022, through June 30, 2023.

SECTION 3. PROGRAM SUPPORT. Of the moneys appropriated in Section 1 of this act, up to \$2,459,100 from the Public School Income Fund shall be expended for the support of literacy programs, intervention services for non-Title I schools that fail to achieve proficiency on Idaho's standards-based achievement tests, math initiative programs and regional math labs, and evaluation of the programs for students with non-English or limited-English proficiency. The State Department of Education shall report to the Joint Finance-Appropriations Committee, the Senate Education Committee, and the House Education Committee by January 13, 2023, on the uses of funds and effectiveness of the programs and efforts.

SECTION 4. STUDENT ASSESSMENTS. Of the moneys appropriated in Section 1 of this act, the State Department of Education may expend up to \$2,258,500 for the development or administration of student assessments, including a college entrance exam for grade 11 students, an exam for grade 10 students that provides preparation for the college entrance exam, and end-of-course exams for high school science subjects.

SECTION 5. PROFESSIONAL DEVELOPMENT. Of the moneys appropriated in Section 1 of this act, the State Department of Education may expend up to \$2,500,000 for professional development and teacher training and to track usage and effectiveness of professional development efforts at the state and local levels.

SECTION 6. CONTENT AND CURRICULUM -- DIGITAL CONTENT. Of the moneys appropriated in Section 1 of this act, \$1,200,000 shall be expended for the purchase of content and curriculum for adaptive math instruction, and \$2,250,000 shall be expended for research-based programs to assist with the instruction of students with non-English or limited-English proficiency and for learning loss.

SECTION 7. YEAR-END RECONCILIATION. If the moneys appropriated and transferred to the Public School Income Fund and the moneys appropriated from the General Fund in Section 1 of this act exceed the actual expenditures for the specified purposes, the difference shall be included in the year-end reconciliation used to calculate funding available to meet the requirements of Section 33-1018, Idaho Code, notwithstanding any other provision of law to the contrary. If the funding amounts specified in Section 4 of this act are insufficient to meet the actual expenditures, the difference shall be included in the year-end reconciliation used to calculate funding available to meet the requirements of Section 33-1018, Idaho Code, notwithstanding any other provision of law to the contrary.

SECTION 8. CONTENT AND CURRICULUM -- TECHNOLOGY. Of the moneys appropriated in Section 1 of this act, an amount not to exceed \$1,570,000 from the Public School Income Fund may be expended by the State Department of Education to contract for services that provide technology education opportunities and/or information technology certifications to students, including faculty, that prepare students for college, career, or the workplace. Funding shall be awarded for projects that include three (3) or more of the following components:

- (1) Certification of skills and competencies;
- (2) Professional development for teachers;
- (3) Integration with curriculum standards;
- (4) Online access to research-based content and curriculum; or
- (5) Instructional software for classroom use.

The State Department of Education shall provide a report to the Joint Finance-Appropriations Committee, the Senate Education Committee, and the House Education Committee by January 13, 2023, regarding the number and type of certificates earned by students and faculty.

SECTION 9. DEFINITIONS. For the purposes of this act, "distributed" means moneys that are transferred to school districts and public charter schools, with no funds withheld for any other contract or administrative costs. "Expended" means moneys that pay for the cost of contracts that provide services to school districts, public charter schools, or students or that pay for the State Department of Education's cost of administering the programs for which the moneys are allocated.

SECTION 10. ACQUISITIONS. Consistent with the provisions of Chapter 92, Title 67, Idaho Code, the State Department of Education is encouraged to engage in open, competitive acquisition processes. The State Department of Education shall provide a report to the Joint Finance-Appropriations Committee by December 1, 2022, on all contracts signed during fiscal year 2022 for property valued at more than \$25,000. The report shall include for each contract: (a) the amount; (b) the duration; (c) the parties; (d) the subject; (e) whether the contract was awarded as a result of an open, competitive acquisition process or as a sole source or other noncompetitive procurement pursuant to Section 67-9221, Idaho Code; and (f) the rationale for signing any sole source or other noncompetitive procurements.

SECTION 11. CASH TRANSFER. There is hereby appropriated and the Office of the State Controller shall transfer \$75,500,000 from the General Fund to the Public School Health Insurance Participation Fund on July 1, 2022, or as soon thereafter as practicable, for the period July 1, 2022, through June 30, 2023.

SECTION 12. Of the amounts appropriated in Section 1 of this act for the Public Schools Educational Support Program's Division of Central Services, \$12,587,600 shall be considered expended from the General Fund for the period July 1, 2022, through June 30, 2023.

SECTION 13. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 25, 2022

CHAPTER 239  
(H.B. No. 793)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF TEACHERS; APPROPRIATING MONEYS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF TEACHERS FOR FISCAL YEAR 2023; APPROPRIATING GENERAL FUND MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND; DIRECTING THE USE OF MONEYS FOR PROFESSIONAL DEVELOPMENT; DEFINING "DISTRIBUTED"; CLARIFYING THE ORIGINAL FUND SOURCE FOR EXPENDITURES FOR THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF TEACHERS FOR FISCAL YEAR 2023; PROVIDING FOR A DISTRIBUTION OF ADDITIONAL COMPENSATION FOR INSTRUCTIONAL AND PUPIL SERVICE STAFF; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. There is hereby appropriated to the Public Schools Educational Support Program's Division of Teachers the following amounts to be expended from the listed funds for the period July 1, 2022, through June 30, 2023:

FROM:

Public School Income Fund	\$1,154,838,400
ARPA State Fiscal Recovery Fund	36,473,700
Federal Grant Fund	<u>11,000,000</u>
TOTAL	\$1,202,312,100

SECTION 2. There is hereby appropriated and the Office of the State Controller shall transfer \$1,154,838,400 from the General Fund to the Public School Income Fund on July 1, 2022, or as soon thereafter as practicable for the period July 1, 2022, through June 30, 2023.

SECTION 3. PROFESSIONAL DEVELOPMENT. Of the moneys appropriated in Section 1 of this act, \$10,850,000 from the Public School Income Fund shall be distributed for professional development that supports instructors and pupil services staff to increase student learning, mentoring, and collaboration. Professional development efforts should be measurable, provide the instructors and pupil services staff with a clear understanding of their progress, be incorporated into their performance evaluations, and, to the extent possible, be included in the school district or public charter school continuous improvement plans required by Section 33-320, Idaho Code. Funding shall be distributed by a formula prescribed by the State Department of Education, and the State Department of Education shall track usage and effectiveness of professional development efforts at the state and local levels.

SECTION 4. DEFINITION. For the purposes of this act, "distributed" means moneys that are transferred to school districts and public charter schools, with no funds withheld for any other contract or administrative costs.

SECTION 5. Of the amounts appropriated in Section 1 of this act for the Public School Support Program's Division of Teachers, \$1,154,838,400 shall be considered expended from the General Fund for the period July 1, 2022, through June 30, 2023.

SECTION 6. ADDITIONAL COMPENSATION. Of the moneys appropriated in Section 1 of this act, \$36,473,700 from the ARPA State Fiscal Recovery Fund shall be distributed for public schools receiving educational support funds pursuant to Section 33-1002(2)(f), Idaho Code, for the purpose of providing additional compensation for all instructional and pupil service staff. The allocated amount shall be based on each full-time equivalent (FTE) instructional and pupil service staff position. Funding is to be allocated to these schools using the actual full-time equivalent positions from the same data upload that was used for the final calculations of salary-based apportionment for the July 15, 2022, payment. Allocations are to be completed by the State Department of Education, with amounts separated by salary and benefits, and schools shall be notified as soon as practicable. Should the appropriation be insufficient to provide this calculation as intended, the State Department of Education shall adjust the distribution proportionately across all eligible schools. Allocations will be made available to schools as soon as practicable via the grant reimbursement application used for distribution of all federal funds. If, after all funds have been allocated and the State Department of Education determines that funds were overallocated and drawn down based on incorrect information, the school shall return those overdrawn amounts back to the State Department of Education as soon as practicable and the State Department of Education shall return those funds back to the state at the conclusion of the fiscal year, along with any unused allocations. The State Department of Education shall report to the Budget and Policy Analysis Division of the Legislative Services Office and the Division of Financial Management on the allocation of these funds for federal reporting purposes.

SECTION 7. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

CHAPTER 240  
(H.B. No. 794)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF EDUCATIONAL SERVICES FOR THE DEAF AND THE BLIND; APPROPRIATING MONEYS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF EDUCATIONAL SERVICES FOR THE DEAF AND THE BLIND FOR FISCAL YEAR 2023; APPROPRIATING GENERAL FUND MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND FOR FISCAL YEAR 2023; CLARIFYING THE ORIGINAL FUND SOURCE FOR EXPENDITURES IN THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF EDUCATIONAL SERVICES FOR THE DEAF AND THE BLIND FOR FISCAL YEAR 2023; APPROPRIATING ADDITIONAL MONEYS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF EDUCATIONAL SERVICES FOR THE DEAF AND THE BLIND FOR FISCAL YEAR 2022; APPROPRIATING ADDITIONAL GENERAL FUND MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND FOR FISCAL YEAR 2022; CLARIFYING THE ORIGINAL FUND SOURCE FOR EXPENDITURES IN THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF EDUCATIONAL SERVICES FOR THE DEAF AND THE BLIND FOR FISCAL YEAR 2022; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Public Schools Educational Support Program's Division of Educational Services for the Deaf and the Blind the following amounts to be expended from the listed funds for the period July 1, 2022, through June 30, 2023:

FROM:

Public School Income Fund	\$13,058,400
ARPA State Fiscal Recovery Fund	8,000
School for the Deaf and the Blind Endowment Fund	<u>233,600</u>
TOTAL	\$13,300,000

SECTION 2. There is hereby appropriated and the Office of the State Controller shall transfer \$13,058,400 from the General Fund to the Public School Income Fund on July 1, 2022, or as soon thereafter as practicable for the period July 1, 2022, through June 30, 2023.

SECTION 3. Of the amounts appropriated in Section 1 for the Public Schools Educational Support Program's Division of Educational Services for the Deaf and the Blind \$13,058,400 shall be considered expended from the General Fund for the period July 1, 2022, through June 30, 2023.

SECTION 4. In addition to the appropriation made in Section 3, Chapter 252, Laws of 2021, and any other appropriation provided by law, there is hereby appropriated to the Public Schools Educational Support Program's Division of Educational Services for the Deaf and the Blind \$231,000 from the Public School Income Fund to be expended for the period July 1, 2021, through June 30, 2022.

SECTION 5. There is hereby appropriated and the Office of the State Controller shall transfer \$231,000 from the General Fund to the Public School Income Fund as soon as practicable for the period July 1, 2021, through June 30, 2022.



SECTION 6. Of the additional amounts appropriated in Section 4 for the Public Schools Educational Support Program's Division of Educational Services for the Deaf and the Blind \$231,000 shall be considered expended from the General Fund for the period July 1, 2021, through June 30, 2022.

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

Approved March 25, 2022

CHAPTER 241  
(H.B. No. 765)

AN ACT

RELATING TO THE APPROPRIATION TO THE LEGISLATIVE BRANCH; APPROPRIATING MONEYS TO THE LEGISLATIVE BRANCH FOR THE LEGISLATIVE SERVICES OFFICE, LEGISLATIVE TECHNOLOGY, AND THE OFFICE OF PERFORMANCE EVALUATIONS FOR FISCAL YEAR 2023; PROVIDING REAPPROPRIATION AUTHORITY FOR THE GENERAL FUND; PROVIDING REAPPROPRIATION AUTHORITY FOR THE TECHNOLOGY INFRASTRUCTURE STABILIZATION FUND; EXEMPTING THE APPROPRIATION FROM OBJECT TRANSFER LIMITATIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. There is hereby appropriated to the Legislative Branch the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2022, through June 30, 2023:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
<b>I. LEGISLATIVE SERVICES OFFICE:</b>				
FROM:				
General				
Fund	\$6,443,800	\$1,016,600	\$15,200	\$7,475,600
Miscellaneous Revenue				
Fund	106,300	94,000		200,300
Legislative Capitol Facilities				
Fund		440,000		440,000
Professional Services				
Fund	1,568,300	112,000		1,680,300
ARPA State Fiscal Recovery				
Fund	<u>0</u>	<u>0</u>	<u>323,800</u>	<u>323,800</u>
TOTAL	\$8,118,400	\$1,662,600	\$339,000	\$10,120,000
<b>II. LEGISLATIVE TECHNOLOGY:</b>				
FROM:				
ARPA State Fiscal Recovery				
Fund		\$2,045,100	\$1,007,900	\$3,053,000

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
III. OFFICE OF PERFORMANCE EVALUATIONS:				
FROM:				
General				
Fund	\$963,200	\$66,800		\$1,030,000
GRAND TOTAL	\$9,081,600	\$3,774,500	\$1,346,900	\$14,203,000

SECTION 2. REAPPROPRIATION AUTHORITY FOR THE COMMITTEE ON FEDERALISM. There is hereby reappropriated to the Legislature any unexpended and unencumbered balances appropriated or reappropriated from the General Fund for the Committee on Federalism to study payment in lieu of taxes for fiscal year 2022, an amount not to exceed \$250,000, to be used for nonrecurring expenditures for the period July 1, 2022, through June 30, 2023, for the purpose of studying payment in lieu of taxes. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 3. REAPPROPRIATION AUTHORITY FOR THE TECHNOLOGY INFRASTRUCTURE STABILIZATION FUND. There is hereby reappropriated to the Legislative Services Office any unexpended and unencumbered balances appropriated or reappropriated to the Legislative Services Office from the Technology Infrastructure Stabilization Fund for fiscal year 2022 to be used for nonrecurring expenditures for the period July 1, 2022, through June 30, 2023. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 4. EXEMPTIONS FROM OBJECT TRANSFER LIMITATIONS. The Legislative Services Office, Office of Performance Evaluations, and Legislative Technology are 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 them for the period July 1, 2022, through June 30, 2023. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 25, 2022

CHAPTER 242  
(S.B. No. 1416)

AN ACT

RELATING TO THE APPROPRIATION TO THE OFFICE OF THE STATE CONTROLLER; APPROPRIATING MONEYS TO THE OFFICE OF THE STATE CONTROLLER FOR FISCAL YEAR 2023; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING FOR THE RECOVERY OF STATE CONTROLLER SERVICE COSTS TO THE INDIRECT COST RECOVERY FUND; PROVIDING REAPPROPRIATION AUTHORITY FOR THE DATA PROCESSING SERVICES FUND; PROVIDING REAPPROPRIATION AUTHORITY FOR THE AMERICAN RESCUE PLAN FUND; PROVIDING REAPPROPRIATION AUTHORITY FOR THE GENERAL FUND; PROVIDING AN EXEMPTION FROM PROGRAM TRANSFER LIMITATIONS; APPROPRIATING MONEYS TO THE OFFICE OF THE STATE CONTROLLER FOR FISCAL YEAR 2022 FROM THE AMERICAN RESCUE PLAN FUND; APPROPRIATING MONEYS TO THE OFFICE OF THE STATE CONTROLLER FOR FISCAL YEAR 2022 FOR A BEHAVIORAL HEALTH REPORTING DATA SYSTEM; 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 the State Controller the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2022, through June 30, 2023:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
<b>I. ADMINISTRATION:</b>			
FROM:			
General			
Fund	\$1,311,400	\$1,573,100	\$2,884,500
Federal COVID-19 Relief			
Fund	<u>0</u>	<u>2,300,000</u>	<u>2,300,000</u>
TOTAL	\$1,311,400	\$3,873,100	\$5,184,500
<b>II. STATEWIDE ACCOUNTING:</b>			
FROM:			
General			
Fund	\$2,012,100	\$3,496,100	\$5,508,200
Miscellaneous Revenue			
Fund	<u>0</u>	<u>5,000</u>	<u>5,000</u>
TOTAL	\$2,012,100	\$3,501,100	\$5,513,200
<b>III. STATEWIDE PAYROLL:</b>			
FROM:			
General			
Fund	\$1,696,500	\$3,367,700	\$5,064,200
Miscellaneous Revenue			
Fund	<u>0</u>	<u>5,000</u>	<u>5,000</u>
TOTAL	\$1,696,500	\$3,372,700	\$5,069,200

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
IV. COMPUTER CENTER:			
FROM:			
Data Processing Services			
Fund	\$5,638,400	\$2,875,300	\$8,513,700
ARPA State Fiscal Recovery			
Fund	<u>0</u>	<u>950,000</u>	<u>950,000</u>
TOTAL	\$5,638,400	\$3,825,300	\$9,463,700
GRAND TOTAL	\$10,658,400	\$14,572,200	\$25,230,600

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Office of the State Controller is authorized no more than one hundred fourteen (114.00) full-time equivalent positions at any point during the period July 1, 2022, through June 30, 2023, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. INDIRECT COST RECOVERY. The moneys assessed by the Division of Financial Management in accordance with Section 67-3531, Idaho Code, for the Office of the State Controller services shall be placed in the Indirect Cost Recovery Fund.

SECTION 4. REAPPROPRIATION AUTHORITY FOR THE DATA PROCESSING SERVICES FUND. There is hereby reappropriated to the Office of the State Controller any unexpended and unencumbered balances appropriated or reappropriated to the Office of the State Controller from the Data Processing Services Fund for fiscal year 2022 in an amount not to exceed \$2,500,000 to be used for non-recurring expenditures related to the Computer Service Center for the period July 1, 2022, through June 30, 2023. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 5. REAPPROPRIATION AUTHORITY FOR THE AMERICAN RESCUE PLAN FUND. There is hereby reappropriated to the Office of the State Controller any unexpended and unencumbered balances appropriated or reappropriated to the Office of the State Controller from the American Rescue Plan Fund for fiscal year 2022 to be used for nonrecurring expenditures for the period July 1, 2022, through June 30, 2023. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 6. REAPPROPRIATION AUTHORITY FOR THE GENERAL FUND. There is hereby reappropriated to the Office of the State Controller any unexpended and unencumbered balances appropriated to the Office of the State Controller from the General Fund for development of a behavioral health reporting system for fiscal year 2022 in an amount not to exceed \$2,500,000 for the period July 1, 2022, through July 30, 2023. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 7. EXEMPTION FROM PROGRAM TRANSFER LIMITATIONS. The Office of the State Controller is hereby exempted from the provisions of Section 67-3511(2), Idaho Code, allowing unlimited transfers between programs within the Office of the State Controller for all moneys appropriated to it for the period July 1, 2022, through June 30, 2023. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

SECTION 8. In addition to the appropriation made in Section 1, Chapter 266, Laws of 2021, and any other appropriation provided by law, there is hereby appropriated to the Office of the State Controller \$53,970,500 from the American Rescue Plan Fund to be expended for trustee and benefit payments for the period July 1, 2021, through June 30, 2022, to be distributed to units of local government in Idaho with populations under fifty thousand (50,000) pursuant to the American Rescue Plan Act of 2021.

SECTION 9. In addition to the appropriation made in Section 1, Chapter 266, Laws of 2021, and any other appropriation provided by law, there is hereby appropriated to the Office of the State Controller for the Administration Program \$2,500,000 from the General Fund to be expended for operating expenditures for the period July 1, 2021, through June 30, 2022, for the purpose of developing a behavioral health reporting data system for the Idaho Behavioral Health Council.

SECTION 10. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 25, 2022

CHAPTER 243  
(S.B. No. 1417)

AN ACT

RELATING TO STATE COMMISSIONER SALARIES; AMENDING SECTION 61-215, IDAHO CODE, TO REVISE A PROVISION REGARDING THE SALARY OF PUBLIC UTILITIES COMMISSIONERS; AMENDING SECTION 63-102, IDAHO CODE, TO REVISE A PROVISION REGARDING THE SALARY OF TAX COMMISSIONERS; AMENDING SECTION 72-503, IDAHO CODE, TO REVISE A PROVISION REGARDING THE SALARY OF INDUSTRIAL COMMISSIONERS; APPROPRIATING ADDITIONAL MONEYS TO THE PUBLIC UTILITIES COMMISSION FOR FISCAL YEAR 2023; APPROPRIATING ADDITIONAL MONEYS TO THE INDUSTRIAL COMMISSION FOR FISCAL YEAR 2023; APPROPRIATING ADDITIONAL MONEYS TO THE STATE TAX COMMISSION FOR FISCAL YEAR 2023; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 61-215, Idaho Code, be, and the same is hereby amended to read as follows:

61-215. SALARIES OF PUBLIC UTILITIES COMMISSIONERS. Each member of the public utilities commission shall devote full time to the performance of his/her duties. Commencing on July 1, 2021~~2~~, the annual salary of members of the public utilities commission shall be ~~one hundred fourteen thousand five hundred twenty dollars (\$114,520)~~ one hundred twenty thousand two hundred forty-six dollars (\$120,246) and shall be paid from sources set by the legislature.

SECTION 2. That Section 63-102, Idaho Code, be, and the same is hereby amended to read as follows:

63-102. ORGANIZATION -- CHAIRMAN -- COMPENSATION -- QUORUM -- HEARINGS. (1) A member of the state tax commission shall be appointed by the governor, to serve at his pleasure, as chairman. Each member of the state tax commission shall devote full time to the performance of duties. Commencing on July 1, 2021~~2~~, the annual salary for members of the state tax commission shall be ~~one hundred six thousand seventy-two dollars (\$106,072)~~ one hundred eleven thousand three hundred seventy-six dollars (\$111,376).

(2) A majority of the state tax commission shall constitute a quorum for the transaction of business. The state tax commission may delegate to any member of the commission or to its employees, the power to make investigations and hold hearings at any place it may deem proper, and such other matters as will facilitate the operations of the commission.

(3) The chairman of the state tax commission shall delegate to each commissioner the responsibility for policy management and oversight of one (1) or more of the taxes collected and/or activities supervised or administered by the commission. The state tax commission shall perform the duties imposed upon it by law and shall adopt all rules by majority decision.

In any case in which the state tax commission sits as an appellate body upon an appeal from a tax decision from one (1) of the various administrative units subject to its supervision, the state tax commissioner charged with responsibility for policy management and oversight of the tax in controversy shall not vote upon the appeal but may advise the remaining members of the commission on the technical aspects of the problems before them.

(4) The chairman shall be the chief executive officer and administrative head of the state tax commission and shall be responsible for, or may assign responsibility for, all personnel, budgetary and/or fiscal matters of the state tax commission.

SECTION 3. That Section 72-503, Idaho Code, be, and the same is hereby amended to read as follows:

72-503. SALARY. Commencing July 1, 2021~~2~~, the annual salary of each member of the industrial commission shall be ~~one hundred eleven thousand four hundred seventy dollars (\$111,470)~~ one hundred seventeen thousand forty-four dollars (\$117,044). Industrial commissioner salaries shall be paid from sources set by the legislature. Each member of the industrial commission shall devote full time to the performance of his duties.

SECTION 4. In addition to any other appropriation provided by law, there is hereby appropriated to the Public Utilities Commission \$20,800 to be expended for personnel costs from the Public Utilities Commission Fund for the period July 1, 2022, through June 30, 2023, for the purpose of commissioner salaries.

SECTION 5. In addition to any other appropriation provided by law, there is hereby appropriated to the Industrial Commission \$20,200 to be expended for personnel costs from the Industrial Administration Fund for the period July 1, 2022, through June 30, 2023, for the purpose of commissioner salaries.

SECTION 6. In addition to any other appropriation provided by law, there is hereby appropriated to the State Tax Commission the following amounts to be expended according to the designated programs for personnel costs from the listed funds for the period July 1, 2022, through June 30, 2023, for the purpose of commissioner salaries:

I. GENERAL SERVICES:

FROM:

General Fund	\$20,500
Administration Services for Transportation Fund	<u>2,800</u>
TOTAL	\$23,300

II. AUDIT DIVISION:

FROM:

Multistate Tax Compact Fund	\$800
Administration and Accounting Fund	800
Administration Services for Transportation Fund	<u>700</u>
TOTAL	\$2,300

GRAND TOTAL \$25,600

SECTION 7. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 25, 2022

CHAPTER 244  
(S.B. No. 1418)

AN ACT

RELATING TO THE APPROPRIATION TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR HEALTH EDUCATION PROGRAMS; APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR HEALTH EDUCATION PROGRAMS FOR FISCAL YEAR 2023; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; EXEMPTING THE APPROPRIATION FROM OBJECT TRANSFER LIMITATIONS; PROVIDING REAPPROPRIATION AUTHORITY; DIRECTING AN ADJUSTMENT FOR STUDENT TUITION AND FEES FOR FISCAL YEAR 2023; APPROPRIATING ADDITIONAL MONEYS TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR HEALTH EDUCATION PROGRAMS FOR FISCAL YEAR 2022; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the State Board of Education and the Board of Regents of the University of Idaho for Health Education Programs the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2022, through June 30, 2023:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
<b>I. WIMU VETERINARY EDUCATION:</b>					
FROM:					
General					
Fund	\$656,400	\$1,594,900			\$2,251,300
Restricted					
Fund	<u>0</u>	<u>0</u>		<u>\$100,000</u>	<u>100,000</u>
TOTAL	\$656,400	\$1,594,900		\$100,000	\$2,351,300
<b>II. WWAMI MEDICAL EDUCATION:</b>					
FROM:					
General					
Fund	\$1,779,800	\$447,800		\$4,745,800	\$6,973,400
<b>III. IDAHO DENTAL EDUCATION PROGRAM:</b>					
FROM:					
General					
Fund	\$282,300			\$1,542,800	\$1,825,100
Unrestricted					
Fund	<u>236,200</u>	<u>\$25,800</u>	<u>\$5,500</u>	<u>0</u>	<u>267,500</u>
TOTAL	\$518,500	\$25,800	\$5,500	\$1,542,800	\$2,092,600



	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
<b>IV. UNIVERSITY OF UTAH MEDICAL EDUCATION:</b>					
FROM:					
General					
Fund				\$2,626,600	\$2,626,600
<b>V. FAMILY MEDICINE RESIDENCIES:</b>					
FROM:					
General					
Fund	\$2,317,500	\$321,600		\$4,080,000	\$6,719,100
<b>VI. BOISE INTERNAL MEDICINE:</b>					
FROM:					
General					
Fund				\$1,075,000	\$1,075,000
<b>VII. PSYCHIATRY EDUCATION:</b>					
FROM:					
General					
Fund				\$837,800	\$837,800
<b>VIII. EASTERN IDAHO MEDICAL RESIDENCIES:</b>					
FROM:					
General					
Fund				\$2,525,000	\$2,525,000
GRAND TOTAL	\$5,272,200	\$2,390,100	\$5,500	\$17,533,000	\$25,200,800

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, each of the programs in the State Board of Education and the Board of Regents of the University of Idaho for Health Education Programs specified in this section is authorized no more than the number of full-time equivalent positions shown at any point during the period July 1, 2022, through June 30, 2023, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

WIMU Veterinary Education .....	6.38
WWAMI Medical Education .....	13.72
Idaho Dental Education Program .....	3.25
University of Utah Medical Education .....	0.00
Family Medicine Residencies .....	19.30
Boise Internal Medicine .....	0.00
Psychiatry Education .....	0.00
Eastern Idaho Medical Residencies .....	0.00

SECTION 3. EXEMPTIONS FROM OBJECT TRANSFER LIMITATIONS. The State Board of Education and the Board of Regents of the University of Idaho for Health Education Programs are hereby exempted from the provisions of Section 67-3511(1) and (3), Idaho Code, allowing unlimited transfers between object codes for dedicated fund moneys appropriated for the period July 1, 2022, through June 30, 2023. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

SECTION 4. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the State Board of Education and the Board of Regents of the University of Idaho for Health Education Programs any unexpended and unencumbered balances appropriated or reappropriated to the State Board of Education and the Board of Regents of the University of Idaho for Health Education Programs from dedicated funds for fiscal year 2022 to be used for nonrecurring expenditures for the period July 1, 2022, through June 30, 2023. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 5. STUDENT TUITION AND FEES FOR FISCAL YEAR 2023. Notwithstanding the provisions of Section 67-3516(2), Idaho Code, the Division of Financial Management may approve the expenditure of dedicated funds pursuant to the noncognizable process for student tuition and fees during fiscal year 2023. Each of the programs' budget requests for fiscal year 2024 shall reflect all adjustments so approved by the Division of Financial Management.

SECTION 6. In addition to the appropriation made in Section 1, Chapter 254, Laws of 2021, and any other appropriation provided for by law, there is hereby appropriated to the State Board of Education and the Board of Regents of the University of Idaho for Health Education Programs \$1,419,800 from the General Fund to be expended for the period July 1, 2021, through June 30, 2022.

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

Approved March 25, 2022

CHAPTER 245  
(S.B. No. 1419)

AN ACT

RELATING TO THE APPROPRIATION TO THE AGRICULTURAL RESEARCH AND COOPERATIVE EXTENSION SERVICE; APPROPRIATING MONEYS TO THE AGRICULTURAL RESEARCH AND COOPERATIVE EXTENSION SERVICE FOR FISCAL YEAR 2023; EXEMPTING THE APPROPRIATION FROM OBJECT TRANSFER LIMITATIONS; APPROPRIATING ADDITIONAL MONEYS TO THE AGRICULTURAL RESEARCH AND COOPERATIVE EXTENSION SERVICE FOR FISCAL YEAR 2022; APPROPRIATING ADDITIONAL MONEYS TO THE AGRICULTURAL RESEARCH AND COOPERATIVE EXTENSION SERVICE FOR FISCAL YEAR 2022; PROVIDING GENERAL FUND REAPPROPRIATION AUTHORITY; PROVIDING FEDERAL FUND REAPPROPRIATION AUTHORITY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. There is hereby appropriated to the Board of Regents of the University of Idaho for the Agricultural Research and Cooperative Extension Service the following amounts to be expended according to the designated expense classes for the period July 1, 2022, through June 30, 2023:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:				
General				
Fund	\$30,738,700	\$3,601,100	\$1,055,900	\$35,395,700
ARPA State Fiscal Recovery				
Fund	<u>145,100</u>	<u>245,000</u>	<u>0</u>	<u>390,100</u>
TOTAL	\$30,883,800	\$3,846,100	\$1,055,900	\$35,785,800

SECTION 2. EXEMPTIONS FROM OBJECT TRANSFER LIMITATIONS. The Agricultural Research and Cooperative Extension Service 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, 2022, through June 30, 2023. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

SECTION 3. In addition to the appropriation made in Section 1, Chapter 119, Laws of 2021, and any other appropriation provided for by law, there is hereby appropriated to the Agricultural Research and Cooperative Extension Service the following amounts from the ARPA State Fiscal Recovery Fund to be expended for the following expense classes for the period July 1, 2021, through June 30, 2022, for the purpose of adult computer literacy programming:

FOR:	
Personnel Costs	\$145,100
Operating Expenditures	245,000
Capital Outlay	<u>100,000</u>
TOTAL	\$490,100

SECTION 4. In addition to the appropriation made in Section 1, Chapter 119, Laws of 2021, and any other appropriation provided for by law, there is hereby appropriated to the Agricultural Research and Cooperative Extension Service \$2,800,000 from the General Fund, to be expended for operating expenditures for the period July 1, 2021, through June 30, 2022, for the Parma Research and Extension Center.

SECTION 5. GENERAL FUND REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Agricultural Research and Cooperative Extension Service any unexpended and unencumbered balances appropriated to the Agricultural Research and Cooperative Extension Service from the General Fund for construction costs at the Parma Research and Extension Center in fiscal year 2022 in an amount not to exceed \$2,800,000 from the General Fund, to be used for nonrecurring expenditures for the period July 1, 2022, through June 30, 2023. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 6. FEDERAL FUND REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Agricultural Research and Cooperative Extension Service any unexpended and unencumbered balances appropriated to the Agricultural Research and Cooperative Extension Service from the ARPA State Fiscal Recovery Fund for adult computer literacy programming in fiscal year 2022 in an amount not to exceed \$490,100 from the ARPA State Fiscal Recovery Fund, to be used for nonrecurring expenditures for the period July 1, 2022, through June 30, 2023. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 7. An emergency existing therefor, which emergency is hereby declared to exist, Sections 3 and 4 of this act shall be in full force and effect on and after passage and approval. Sections 1, 2, 5, and 6 of this act shall be in full force and effect on and after July 1, 2022.

Approved March 25, 2022

CHAPTER 246  
(S.B. No. 1368)

AN ACT

RELATING TO OCCUPATIONAL LICENSING REFORM; AMENDING SECTION 36-2109, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DEEMED RELEVANT; AMENDING SECTION 54-206, IDAHO CODE, TO REVISE A DEFINITION; AMENDING SECTION 54-208, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE; AMENDING SECTION 54-209, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE; AMENDING SECTION 54-210, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE; AMENDING SECTION 54-211, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE; AMENDING SECTION 54-606, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DEEMED RELEVANT; AMENDING SECTION 54-607, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE, TO PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DEEMED RELEVANT, AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-915, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DEEMED RELEVANT; AMENDING SECTION 54-916, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DEEMED RELEVANT; AMENDING SECTION 54-920, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE; AMENDING SECTION 54-1112, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DEEMED RELEVANT; AMENDING SECTION 54-1520, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DEEMED RELEVANT; AMENDING SECTION 54-1605, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DEEMED RELEVANT; AMENDING SECTION 54-1803, IDAHO CODE, TO REVISE A DEFINITION; AMENDING SECTION 54-1806A, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-2210, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DEEMED RELEVANT; AMENDING SECTION 54-2212, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DEEMED RELEVANT; AMENDING SECTION 54-2307, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DEEMED RELEVANT; AMENDING SECTION 54-2312, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DEEMED RELEVANT; AMENDING SECTION 54-2312A, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DEEMED RELEVANT; AMENDING SECTION 54-2409, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DEEMED RELEVANT; AMENDING SECTION 54-2916, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO REVISE A PROVISION REGARDING A DISQUALIFYING CRIMINAL OFFENSE; AMENDING SECTION 54-2916A, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE; AMENDING SECTION 54-3108, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DEEMED RELEVANT; AMENDING SECTION 54-3109, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DEEMED RELEVANT; AMENDING SECTION 54-3109A, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DEEMED RELEVANT; AMENDING SECTION 54-3115, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE; AMENDING SECTION 54-3206, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DEEMED RELEVANT; AMENDING SECTION 54-3405, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DEEMED RELEVANT; AMENDING SECTION 54-4009, IDAHO CODE, TO REMOVE OBSOLETE

LANGUAGE AND TO PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DEEMED RELEVANT; AMENDING SECTION 54-4206, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DEEMED RELEVANT; AMENDING SECTION 54-5307, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO REVISE A PROVISION REGARDING A DISQUALIFYING CRIMINAL OFFENSE; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 36-2109, Idaho Code, be, and the same is hereby amended to read as follows:

36-2109. FORM AND TERM OF LICENSE -- NOTICE OF DENIAL. (a) Upon concurrence of a majority, the board, in its discretion may issue a license to any applicant who has filed an application in proper form with the board including, but not limited to, payment of the license fee and furnishing of bond. Said license shall be in the form prescribed by the board, shall be valid for the year issued from the date issued and shall expire on March 31 of the following year; provided, that no outfitter's or guide's license may be sold, assigned or otherwise transferred either by any holder thereof or by the operation of law except as provided in this chapter. The board may prescribe by rule that limitations or qualifications placed upon an outfitter's or guide's license as provided in this chapter shall be indicated on the face of the license or as an attachment to the license which shall be considered a part of the license.

(b) A license granted by the board including any attachment thereto shall specify the activities licensed and the exact territorial limits of the outfitter's area of operation and shall specify the species of game to be hunted. In so approving and/or licensing any outfitter's or guide's activity, the board shall consider the following matters, among others:

1. The length of time in which the applicant has operated in that area;
2. The extent to which the applicant is qualified by reason of experience, equipment or resources to operate in that area;
3. The applicant's previous safety record;
4. The accessibility of the area, the particular terrain and the weather conditions normal to that area during the outfitter's or guide's season;
5. The total amount of outfitter's area requested by any applicant giving due consideration to the effect that such area license grant would have upon the environment, the amount of game that can be harvested, and the number of persons that can be adequately served in the area.

(c) The board shall refuse to issue any license to any applicant for an outfitter's or guide's license who the board finds is not a competent person of good moral character, who has been convicted, found guilty, or received a withheld judgment or a suspended sentence in this state or in any other state of a crime that is deemed relevant in accordance with section 67-9411(1), Idaho Code, who is less than eighteen (18) years of age and, or who does not possess a working knowledge of the game and fishing laws of the state of Idaho and the regulations of the United States forest service. The board shall also refuse to issue an outfitter's license to any applicant who the board finds does not have sufficient financial responsibility to conduct adequately the business of an outfitter. The board shall refuse to issue any license to a firm, partnership, corporation or other organization or any combination thereof that fails to have at least one (1) designated agent conducting its outfitting business who meets all of the qualifications and requirements of a licensed outfitter. The board may also refuse to grant an outfitter's or guide's license to any applicant for violation of any of the provisions hereinafter specified in this chapter as grounds for revocation

or suspension of an outfitter's or guide's license. If the application is denied, the board shall notify the applicant, in writing, of the reasons for such denial within ten (10) days and if the applicant shall correct, to the satisfaction of the board, such reasons within thirty (30) days of receipt of such notice and if, thereafter, a majority of the board concur, the board may issue a license to the applicant.

(d) No license shall be issued by the board until a majority thereof has reported favorably thereon; except, an application for a license identical to a license held during the previous year may be issued on approval by one (1) board member providing there is no adverse information on file regarding the applicant.

SECTION 2. That Section 54-206, Idaho Code, be, and the same is hereby amended to read as follows:

54-206. DEFINITIONS. As used in this chapter:

(1) "AICPA" means the American institute of certified public accountants.

(2) "Applicant" means any person having the requisite qualifications who makes application to the board for examination, or for initial issuance or renewal or reinstatement of a license under the provisions of this chapter.

(3) "Attest" means providing the following professional services:

(a) Any audit or other engagement to be performed in accordance with the statements on auditing standards;

(b) Any review of a financial statement to be performed in accordance with the statements on standards for accounting and review services;

(c) Any examination of prospective financial information to be performed in accordance with the statements on standards for attestation engagements;

(d) Any engagement to be performed in accordance with the standards of the PCAOB; and

(e) Any examination, review or agreed-upon procedures engagement to be performed in accordance with the statements on standards for attestation engagements, other than an examination described in paragraph (c) of this subsection.

(4) "Board" means the Idaho state board of accountancy.

(5) "Certificate" means that document issued by the board upon original approval of licensure. The original certificate does not constitute licensure and a person cannot represent himself or herself as a licensee unless a current and valid annual license has been issued by the board.

(6) "Certified public accountant" or "CPA" means any person who holds a valid, unrevoked and unsuspended license under the provisions of chapter 2, title 54, Idaho Code, or an equivalent provision of the laws of another state designating said person as a certified public accountant.

(7) "Client" means the person or entity that agrees with a licensee or licensee's employer to receive any professional services with or without compensation and shall include all affiliates and related entities in the financial statements of an attest or compilation engagement.

(8) "Compilation" means a service performed in accordance with statements on standards for accounting and review services that presents, in the form of historical or prospective financial statements, information that is the representation of management or owners without undertaking to express any assurance on the statements. The term "compilation" does not include financial statements accompanied by the language set forth in section 54-226(3), Idaho Code, whether used by a licensee or by a person not licensed under this chapter, as long as the financial statements are not accompanied by any other language of assurance or disclaimer.

(9) "Financial statements" means a presentation of historical or prospective financial data, which may include accompanying notes, intended to communicate an entity's economic resources or obligations at a point in time, or the changes therein for a period of time, in accordance with a comprehensive basis of accounting.

(10) "Firm" means a proprietorship, partnership, professional corporation, professional limited liability company, or any other form of professional organization permitted by Idaho law, registered under the requirements of section 54-214, Idaho Code.

(11) "Good moral character" means lack of a history of dishonest dealings or a conviction not having been convicted, found guilty, or received a withheld judgment or a suspended sentence in this state or in any other state of a crime that is deemed relevant in accordance with section 67-9411(1), Idaho Code.

(12) "License" means that authorization issued by the board upon original approval and on an annual basis permitting a qualified person to practice as a certified public accountant or licensed public accountant in the state of Idaho.

(13) "Licensed public accountant" or "LPA" means any person who holds a valid, unrevoked and unsuspended license under the provisions of chapter 2, title 54, Idaho Code, designating said person as a licensed public accountant.

(14) "Licensee" means the holder of a current valid license.

(15) "Member" means a person who has been admitted to membership in a firm that is organized as a limited liability company.

(16) "PCAOB" means the public company accounting oversight board.

(17) "Peer review" means a board-approved study, appraisal or review of one (1) or more aspects of the professional work of a licensee or firm that performs attest services or issues compilation reports, by a person or persons licensed under this chapter or by another state and who are independent of the licensee or firm being reviewed.

(18) "Permit" means a permit to practice as a firm issued under corresponding provisions of the laws of other states.

(19) "Person" means any natural living person.

(20) "Professional services" means services arising out of or related to the specialized knowledge or skills associated with certified public accountants or licensed public accountants.

(21) "Report," when used with reference to financial statements, means an opinion or other form of language that states or implies assurance as to the reliability of any financial statements and that also includes or is accompanied by any statement or implication that the person or firm issuing it has special knowledge or competence in accounting or auditing. Such a statement or implication of special knowledge or competence may arise from use by the issuer of the report of names or titles indicating that the person or firm is an accountant or auditor, or from the language of the report itself. The term "report" includes any form of language that disclaims an opinion when such form of language is conventionally understood to imply any positive assurance as to the reliability of the financial statements referred to or special competence on the part of the person or firm issuing such language; and it includes any other form of language that is conventionally understood to imply such assurance or special knowledge or competence.

(22) "State" means any state of the United States, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Commonwealth of the Northern Mariana Islands and Guam; except that "this state" means the state of Idaho.



(23) "Substantial equivalency" or "substantially equivalent" means a determination by the board that the education, examination and experience requirements contained in the statutes and administrative rules of another jurisdiction are comparable to or exceed the education, examination and experience requirements for CPAs contained in this chapter or that an individual licensee's education, examination and experience qualifications are comparable to or exceed the education, examination and experience requirements for CPAs contained in this chapter.

SECTION 3. That Section 54-208, Idaho Code, be, and the same is hereby amended to read as follows:

54-208. EXAMINATION -- EDUCATION -- QUALIFICATIONS. (1) An applicant for admission to examination as a certified public accountant shall:

- (a) Be eighteen (18) years of age or older;
- (b) Be of good moral character;
- (c) Be a resident, have been a resident, or intend to immediately become a resident of the state of Idaho;
- (d) Be approved by the board for admission to the examination; and
- (e) Provide satisfactory evidence in the form of an official transcript received directly from the school registrar indicating successful completion of a baccalaureate degree or its equivalent, the required credits and courses to be prescribed by the rules of the board.

(2) The examination required to be passed as a condition to granting a certificate shall test the applicant's knowledge of the subjects of accounting and auditing, and such other related subjects as the board may specify by rule, including, but not limited to, business law and taxation. The time for holding such examination shall be determined by the board and may be changed from time to time. The board shall prescribe by rule the methods of applying for and conducting the examination, including methods for grading and determining a passing grade required of an applicant for a certificate; provided however, that the board shall endeavor to assure that the examination itself, grading of the examination, and the passing grades, are uniform with those of other states. The board may make use of all or any part of the uniform certified public accountant examination and advisory grading service of the AICPA and may contract with third parties to perform such administrative services with respect to the examination as it deems appropriate to assist it in performing its duties hereunder.

(3) The board may charge, or provide for a third party administering the examination to charge, each applicant a fee, in an amount prescribed by the board by rule.

(4) None of the education requirements specified in this section shall apply to an applicant who is a licensed public accountant pursuant to this chapter.

SECTION 4. That Section 54-209, Idaho Code, be, and the same is hereby amended to read as follows:

54-209. EXPERIENCE. An applicant of good moral character who successfully passes the examination, with standards no less than those prescribed by the board's rules for examination of candidates in Idaho, and who fulfills the requirements of section 54-207, Idaho Code, shall receive a license as a certified public accountant if the applicant has completed one (1) year of experience. This experience shall include providing any type of service or advice involving the use of accounting, attest, compilation, management advisory, financial advisory, tax or consulting skills, all of which have been verified by an active licensee, meeting requirements prescribed by the board by rule. This experience may be gained through employment in government, industry, academia or public practice.

SECTION 5. That Section 54-210, Idaho Code, be, and the same is hereby amended to read as follows:

54-210. RECIPROCITY -- TRANSFER OF EXAMINATION GRADES -- FOREIGN RECIPROCITY -- QUALIFICATIONS. (1) A person whose certificate and license have been granted by another state, whose principal place of business is located in this state, shall obtain a license by reciprocity from the board before providing professional services in this state.

(2) (a) An applicant for certificate and license by reciprocity to practice as a certified public accountant in Idaho must:

- (i) Be eighteen (18) years of age or older;
- (ii) Be of good ~~moral~~ character;
- (iii) Have obtained the education and passed the uniform CPA examination with standards no less than those required in Idaho; and
- (iv) Have completed the necessary experience, continuing professional education, and board approved ethics examination required for issuance of a license in Idaho and hold a current license in good standing in another licensing jurisdiction.

(b) The requirements of subsection (2) (a) of this section relating to education, Idaho standards relating to passage of the uniform CPA examination, experience, continuing professional education and ethics examination shall be waived if the applicant has been licensed for no less than four (4) years as a certified public accountant within the ten (10) years immediately preceding the reciprocity application.

(3) (a) A person holding an inactive or retired certificate and license granted by another state, whose principal place of business is located in this state, may apply for an equivalent license by reciprocity from the board, provided the applicant must:

- (i) Meet the requirements for an inactive license as set forth in section 54-211 (1) (c), Idaho Code, or the requirements for a retired license as set forth in section 54-211 (1) (d), Idaho Code;
- (ii) Be of good ~~moral~~ character;
- (iii) Have obtained the education and passed the uniform CPA examination with standards no less than those required in Idaho; and
- (iv) Have completed the necessary experience and board approved ethics examination required for issuance of a license in Idaho.

(b) The requirements of subsection (3) (a) of this section relating to education, Idaho standards relating to passage of the uniform CPA examination, experience and ethics examination shall be waived if the applicant has been licensed for no less than four (4) years as a certified public accountant within the ten (10) years immediately preceding the reciprocity application.

(4) An applicant for certificate and license to practice as a certified public accountant in Idaho by transfer of examination grades from another licensing jurisdiction must:

- (a) Be eighteen (18) years of age or older;
- (b) Be of good ~~moral~~ character;
- (c) Have obtained the necessary education and have passed the uniform CPA examination with standards no less than those prescribed by the board's rules for examination candidates in Idaho; and
- (d) Possess experience qualifications as required under section 54-209, Idaho Code, and complete a board approved ethics examination required for issuance of a license in Idaho.

(5) The board shall issue a certificate and license to a holder of a substantially equivalent designation issued by a foreign country, provided that:

- (a) The foreign authority which granted the designation makes similar provision to allow a person who holds a valid certificate and license issued by this state to obtain such foreign authority's comparable designation; and
- (b) The designation:
  - (i) Was duly issued by an authority of a foreign country which regulates the practice of public accountancy and has not expired or been revoked or suspended;
  - (ii) Entitles the holder to issue reports upon financial statements; and
  - (iii) Was issued upon the basis of substantially equivalent educational, examination and experience requirements established by the foreign authority or by law; and
- (c) The applicant:
  - (i) Received the designation, based on educational and examination standards substantially equivalent to those in effect in this state, at the time the foreign designation was granted;
  - (ii) Completed an experience requirement, substantially equivalent to the requirements set out in this chapter, in the jurisdiction which granted the foreign designation or has completed four (4) years of professional experience in this state; or meets equivalent requirements prescribed by the board by rule, within the ten (10) years immediately preceding the application;
  - (iii) Passed a uniform qualifying examination in national standards acceptable to the board; and
  - (iv) Is of good ~~moral~~ character.

SECTION 6. That Section 54-211, Idaho Code, be, and the same is hereby amended to read as follows:

54-211. LICENSES -- LICENSING PERIOD -- NONRENEWAL -- REINSTATEMENT -- INACTIVE LICENSES -- RETIREMENT -- FEES. (1) The board shall issue initial certificates and licenses, and renewal and reinstatement licenses to practice as a certified public accountant, and renewal and reinstatement licenses to practice as a licensed public accountant to persons who have qualified therefor in accordance with the provisions of this chapter and the rules of the board. A certificate and license, once issued, shall continue in effect so long as the holder thereof complies with the provisions of this chapter and the rules and orders of the board.

(a) Initial. The board shall collect an initial license fee upon board approval of an initial license to practice as a certified public accountant in the state of Idaho as set forth in section 54-212, Idaho Code, and as prescribed by the rules of the board. Those individuals meeting the requirements for initial licensure in Idaho, pursuant to the provisions of this chapter and the rules of the board, shall be issued a license effective for no more than twelve (12) months. The license shall then be subject to annual renewal.

(b) Renewal. The board shall collect an annual license fee from all licensees each year as set forth in section 54-212, Idaho Code, and as prescribed by the rules of the board. Those persons meeting the requirements of this subsection for license renewal shall be issued a license effective for a period of one (1) year after its issuance. Requirements include:

- (i) Good ~~moral~~ character;
- (ii) Completion of continuing professional education as specified by the board's rules;
- (iii) Identification, in the renewal application, of the firm with which the licensee is affiliated; and

(iv) Where applicable, verification of satisfactory completion of a peer review program by the firm with which the licensee is affiliated, pursuant to section 54-214, Idaho Code, and the rules prescribed by the board. Any licensee who issues compilation reports for the public other than through a firm must undergo no more frequently than once every three (3) years, a peer review conducted in accordance with rules prescribed by the board, and such review shall include verification that such licensee has met the competency requirements set out in professional standards for such service.

(c) Inactive status. Any licensee in current compliance with the provisions of this chapter who chooses not to perform or offer to perform for the public one (1) or more kinds of attest or compilation services may apply to place his or her license in inactive status. The annual renewal fee for inactive status shall be as set forth in section 54-212, Idaho Code, and as prescribed by the rules of the board. Licensees with inactive status must place the word "inactive" adjacent to their CPA or LPA title on any business card, letterhead or any other document or device when using the title, with the exception of their certificate on which their title appears.

(d) Retired. After a person reaches the age of fifty-five (55) years, or in the event of a disability preventing continued practice, the certificate of a certified public accountant or licensed public accountant, upon application to the board by the holder, may be placed by the board in retired status. Retired status shall allow the holder to retain the wall certificate and remain on the board's mailing list. The annual renewal fee for retired status shall be as set forth in section 54-212, Idaho Code, and as prescribed by the rules of the board. Licensees with retired status must place the word "retired" adjacent to their CPA or LPA title on any business card, letterhead or any other document or device when using the title, with the exception of their certificate on which their title appears. An individual who performs or offers to perform for the public attest or compilation services shall not qualify for retired status.

(e) Nonrenewal. A licensee may place the license into lapsed status as prescribed by the rules of the board rather than renew the license. Any license not renewed or placed into lapsed status within thirty (30) days after the expiration of the previous license shall be automatically placed into lapsed status.

(f) Reinstatement. Any certificate and license placed in lapsed status may be reinstated upon completion of an application supplied by the board along with payment of a reinstatement fee as set forth in section 54-212, Idaho Code, and as prescribed by the rules of the board. In addition, the board shall require the applicant to meet the qualifications of subsection (b) of this section. Reinstatement following involuntary suspension shall be governed by the terms of the board's order of involuntary suspension.

(g) Reentry. A license in inactive or retired status may reenter active status upon completion of an application supplied by the board along with payment of a reentry fee as prescribed by the rules of the board. In addition, the board shall require the applicant to meet the qualifications set forth in subsection (1) (b) of this section.

(2) Applicants for initial issuance or reinstatement of licenses under this section shall in their application list all states in which they have applied for or hold a license and list any past disciplinary action against or denial, revocation or suspension of a certificate, license or permit.

(3) Applicants and licensees shall notify the board in writing, within thirty (30) days after its occurrence of:

- (a) Any charges or convictions of, or guilty pleas to, a felony; or
- (b) Any disciplinary action against or the denial, restriction, revocation or suspension of a certificate, license or permit by another state or by any federal agency.

SECTION 7. That Section 54-606, Idaho Code, be, and the same is hereby amended to read as follows:

54-606. STATE BOARD OF PODIATRY -- EXAMINATION FOR LICENSES. (1) Every person, except as hereinafter provided, desiring to commence the practice of podiatry within this state shall make written application to the state board of podiatry upon forms to be prescribed and furnished by the board for a license so to do. Such applications shall be accompanied by a fee as established by board rule not to exceed four hundred dollars (\$400). Each applicant shall be at least twenty-one (21) years of age, ~~of good moral character,~~ shall not have been convicted, found guilty, or received a withheld judgment or a suspended sentence in this state or in any other state of a crime that is deemed relevant in accordance with section 67-9411(1), Idaho Code, shall have completed an accredited podiatric residency as defined by board rule, and shall be a graduate of some reputable school of podiatry accredited by the board. A reputable school of podiatry for the purposes herein shall mean a school of podiatry requiring for graduation the graduation from an accredited high school, credits granted for at least two (2) full years of general college study in a college or university of recognized standing, and four (4) full years of study in such school of podiatry or its equivalent.

(2) Each applicant shall take and pass a competency exam approved by board rule. The examination shall test for entry level competency to provide podiatric medical services.

(3) The examination fee shall not exceed the amount charged by the board approved exam provider. The applicant shall pay the examination fee directly to the exam provider.

SECTION 8. That Section 54-607, Idaho Code, be, and the same is hereby amended to read as follows:

54-607. LICENSES -- ISSUANCE -- RENEWALS -- DISPLAY. (1) If the applicant passes a satisfactory examination and shows that he is a person ~~of good moral character~~ who has not been convicted, found guilty, or received a withheld judgment or a suspended sentence in this state or in any other state of a crime that is deemed relevant in accordance with section 67-9411(1), Idaho Code, and that he possesses the qualifications required by this chapter to entitle him to a license as a podiatrist, he shall be entitled to a license authorizing him to practice podiatry within the state of Idaho. The successful applicant shall be issued his license by the board upon payment of the original license fee that shall be established by board rule and shall not exceed the annual renewal fee.

(2) 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. An annual renewal license fee established by board rule shall not exceed six hundred fifty dollars (\$650) for podiatrists. Payment of fees herein provided and satisfactory evidence of having complied with continued education requirements as established by board rule are conditions precedent for issuance of a license.

(3) Every person to whom a license is granted shall have such license displayed continuously in a conspicuous part of his office wherein his practice of podiatry is conducted.

(4) The board shall keep on file a register of all applicants for license, rejected applicants and licensees.

(5) The fee for reinstatement of a license shall be as provided in section 67-2614, Idaho Code. All fees shall be paid to the bureau division of occupational and professional licenses.

SECTION 9. That Section 54-915, Idaho Code, be, and the same is hereby amended to read as follows:

54-915. QUALIFICATIONS REQUIRED FOR DENTIST, DENTAL THERAPIST, OR DENTAL HYGIENIST LICENSURE. No person hereafter shall be eligible for licensure to practice dentistry, dental therapy, or dental hygiene in this state unless the applicant:

(1) ~~Is of good moral character and has not pled guilty to or been convicted~~ Has not been convicted, found guilty, or received a withheld judgment or a suspended sentence in this state or in any other state of a crime that is deemed relevant in accordance with section 67-9411(1), Idaho Code, unless the person demonstrates that he has been sufficiently rehabilitated to warrant the public trust;

(2) Shall, for dentistry, have successfully completed the course of study in dentistry, and graduated and received a degree of doctor of dental surgery or doctor of dental medicine from a dental school accepted and approved by the board;

(3) Shall, for dental therapy, have:

(a) Successfully completed a course of study in dental therapy;

(b) Graduated from a dental therapy school accredited by the commission on dental accreditation of the American dental association, provided that such school has been accepted and approved by the board; and

(c) Completed five hundred (500) hours of supervised clinical practice under the direct supervision of a dentist;

(4) Shall, for dental hygiene, have successfully completed the course of study in dental hygiene, and received a degree from a dental hygiene school accepted and approved by the board;

(5) Shall, for dentistry, dental therapy, and dental hygiene, pass the examinations provided for in section 54-918, Idaho Code.

SECTION 10. That Section 54-916, Idaho Code, be, and the same is hereby amended to read as follows:

54-916. APPLICATION FOR LICENSURE -- FEE. Any person desiring to practice dentistry, a dental specialty, dental therapy, or dental hygiene within the state of Idaho shall make an application for licensure in dentistry, a dental specialty, dental therapy, or dental hygiene, as the case may be, on forms furnished by the board, which forms shall call for information from the applicant as shall show his full, true name and that he possesses all the qualifications required by law for the license applied for. The application and supporting instruments as shall be required, together with payment of an application fee of not more than three hundred dollars (\$300) for dentists, the fee to be set by the rules of the board and not more than two hundred fifty dollars (\$250) for dental therapists and dental hygienists, the fee to be set by the rules of the board, and not more than six hundred dollars (\$600) for dental specialists, the fee to be set by the rules of the board, shall be filed with the board at a sufficient time to permit the board to investigate into the moral character of the applicant in order to determine he has not been convicted, found guilty, or received a withheld judgment or suspended sentence in this state or in any other state of a crime deemed relevant in accordance with section 67-9411(1), Idaho Code, and his possession of the other qualifications for licensure. The fee shall not be refunded.

SECTION 11. 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 and dental therapy 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) Three hundred dollars (\$300) for a dental therapist with an active status;
- (d) One hundred fifty dollars (\$150) for a dental therapist with an inactive status;
- (e) Two hundred twenty dollars (\$220) for a dental hygienist with an active status;
- (f) One hundred twelve dollars (\$112) for a dental hygienist with an inactive status; or
- (g) Four hundred dollars (\$400) for a dentist with a specialist 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 practice dentistry, dental therapy, or dental hygiene in the state of Idaho.

(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, dental therapy, or dental hygiene in the state of Idaho. A person issued a license with an inactive status is not entitled to practice dentistry, dental therapy, 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, dental therapy, 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.

(7) (a) The board may issue a license with active status to any qualified applicant or qualified licensee who is authorized to practice dentistry, dental therapy, or dental hygiene in the state of Idaho. Renewal of a license with active status requires compliance with requirements specified in rule.

(b) The board may issue a license with inactive status to any qualified applicant or qualified licensee who fulfilled the licensure requirements but does not practice in the state of Idaho. Renewal of a license with inactive status requires compliance with requirements 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, dental therapy, 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) 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 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.

SECTION 12. That Section 54-1112, Idaho Code, be, and the same is hereby amended to read as follows:

54-1112. REQUIREMENTS FOR RESIDENT TRAINEE LICENSE. The board shall issue to any person a resident trainee license to practice as a resident trainee and perform services at a particular establishment under the personal supervision of a specified licensed mortician within the state of Idaho who has complied with and fulfilled all of the following requirements:

(1) Has attained the age of eighteen (18) years, and is a resident of the state of Idaho.

(2) ~~Is of good moral character~~ Has not been convicted, found guilty, or received a withheld judgment or a suspended sentence in this state or in any other state of a crime that is deemed relevant in accordance with section 67-9411(1), Idaho Code.

(3) Has graduated from an accredited high school or has received an equivalent education as determined by the standards set and established by the state board of education.

(4) Has filed an application with the board as required by this chapter and paid the required filing fee. Provided further, that the board shall make the determination of qualifications of all applicants within a reasonable time after the filing of an application with the board. Provided further, no person shall be eligible to be licensed as a resident trainee for a total cumulative period of more than three (3) years in the state of Idaho unless approved by the board for good cause. The three (3) year limitation includes all time practicing as a resident trainee or apprentice for a mortician license, funeral director license, or both.

SECTION 13. That Section 54-1520, Idaho Code, be, and the same is hereby amended to read as follows:

54-1520. LICENSE -- QUALIFICATIONS OF APPLICANTS -- ISSUANCE. (1) Every applicant for a license to practice optometry shall:

(a) ~~Be a person of good moral character~~ Not have been convicted, found guilty, or received a withheld judgment or suspended sentence in this state or in any other state of a crime that is deemed relevant in accordance with section 67-9411(1), Idaho Code;

(b) Be more than twenty-one (21) years of age;

(c) Present certified evidence of graduation from an accredited college or university of optometry that meets the requirements in rules of the board;

(d) Pass an examination as provided in rules of the board; and

(e) Be certified to use therapeutic pharmaceutical agents as provided in section 54-1501(3), Idaho Code, and in rules of the board.

(2) An applicant meeting the qualifications required in this chapter shall be issued a license to practice optometry in this state.

SECTION 14. That Section 54-1605, Idaho Code, be, and the same is hereby amended to read as follows:

54-1605. QUALIFICATIONS FOR EXAMINATION FOR LICENSE. (1) The board shall admit to examination for licensure as a nursing home administrator any candidate who pays a fee as determined by the board, submits evidence of good moral character and suitability prescribed by the board has not been convicted, found guilty, or received a withheld judgment or suspended sentence in this state or in any other state of a crime deemed relevant in accordance with section 67-9411(1), Idaho Code, and is at least eighteen (18) years old except that no applicant for license as a nursing home administrator shall be admitted to such licensing examination nor shall such applicant be entitled to or be granted a license as a nursing home administrator unless such applicant shall submit written evidence, on forms provided for such purpose by the board, that he has successfully completed a course of study for a baccalaureate degree and has been awarded such degree from an accredited institution of higher learning or its equivalent as provided in subsection (3) of this section.

(2) Additionally, the applicant shall have completed an administrator-in-training program as described in section 54-1610, Idaho Code.

(3) A candidate who applies for examination under and pursuant to subsection (1) of this section, in lieu of the educational requirements provided for therein, may submit evidence satisfactory to the board that such applicant has obtained two (2) years of satisfactory practical experience in management in a health care facility for each year of required post-high school education.

SECTION 15. That Section 54-1803, Idaho Code, be, and the same is hereby amended to read as follows:

54-1803. DEFINITIONS. As used in this chapter:

(1) "Practice of medicine" means:

(a) The investigation, diagnosis, treatment, correction, or prevention of or prescription for any human disease, ailment, injury, infirmity, deformity or other condition, physical or mental, by any means or instrumentality that involves the application of principles or techniques of medical science; or

(b) Offering, undertaking, or holding oneself out as able to do any of the acts described in paragraph (a) of this subsection.

(2) "Board" means the state board of medicine.

(3) "Physician" means any person who holds a license to practice medicine and surgery, osteopathic medicine and surgery, or osteopathic medicine, provided further, that others authorized by law to practice any of the healing arts shall not be considered physicians for the purposes of this chapter.

(4) "Supervising physician" and "alternate supervising physician" mean a physician who is registered with the board as set forth in board rule and who is responsible for the direction and supervision of the activities of and patient services provided by a physician assistant or graduate physician assistant.

(5) "License to practice medicine " means a license issued by the board to a person who has graduated from an acceptable school of medicine and who has fulfilled the licensing requirements of this chapter.

(6) "License to practice osteopathic medicine " means a license issued by the board to a person who either graduated from an acceptable osteopathic school of medicine subsequent to January 1, 1963, or who has been licensed by endorsement of a license to practice osteopathic medicine issued by another state and who has fulfilled the licensing requirements of this chapter.

(7) "Acceptable school of medicine" means any school of medicine or school of osteopathic medicine that meets the standards or requirements of a national medical school accrediting organization acceptable to the board.

(8) "Intern" or "resident" means any person who has completed a course of study at an acceptable school of medicine and who is enrolled in a post-graduate medical training program.

(9) "Physician assistant" means any person who is a graduate of an acceptable physician assistant training program and who is qualified by specialized education, training, experience and ~~personal character~~ and who has been licensed by the board to render patient services under the direction of a supervising and alternate supervising physician.

(10) "Graduate physician assistant" means a person who is a graduate of an approved program for the education and training of physician assistants and who meets all of the requirements in this chapter for licensure, but who:

(a) Has not yet taken and passed the certification examination and who has been authorized by the board to render patient services under the direction of a supervising physician for a period of six (6) months; or

(b) Has passed the certification examination but who has not yet obtained a college baccalaureate degree and who has been authorized by the board to render patient services under the direction of a supervising physician for a period of not more than five (5) years.

SECTION 16. That Section 54-1806A, Idaho Code, be, and the same is hereby amended to read as follows:

54-1806A. **MEDICAL DISCIPLINARY ENFORCEMENT.** The board of medicine shall create a committee on professional discipline which shall have the authority under the direct supervision and control of the board to conduct professional disciplinary enforcement investigations under this chapter and particularly under sections 54-1810 and 54-1814, Idaho Code, and to recommend appropriate action to the board with respect thereto. The committee on professional discipline shall have no authority to impose sanctions or limitations or conditions on licenses issued under this chapter and shall be authorized only to make recommendations to the board with respect thereto. The board shall provide as follows respecting the committee on professional discipline:

(1) **Membership.** The committee shall consist of five (5) members appointed by the board: four (4) members licensed to practice medicine and surgery in the state of Idaho, two (2) of whose terms shall expire at midnight on June 30 in each of two (2) successive years, and one (1) member who is an adult Idaho citizen of good ~~character~~ and reputation who shall not be licensed to practice medicine in the state of Idaho, whose term shall expire at midnight on June 30 in the year in which no physician member's term shall expire. All terms of appointment shall be for three (3) years. No member of the committee on professional discipline may be appointed to serve more than two (2) terms.

(2) **Chairman.** The board of medicine shall designate one (1) member of the committee as its chairman who shall serve and function in that capacity for one (1) year or until a successor is duly appointed, whichever is later.

(3) **Quorum.** Three (3) members shall constitute a quorum.

(4) **Compensation.** Members of the committee shall be compensated as provided by section 59-509(p), Idaho Code, from the state board of medicine fund for expenses incurred in the course of serving on the committee.

(5) **Conflicts and Disqualification.** Members shall disqualify themselves and, on motion of any interested party may, on proper showing, be disqualified in any proceeding concerning which they have an actual conflict of interest or bias which interferes with their fair and impartial service.

(6) Powers of the Committee on Professional Discipline. The committee shall be empowered and authorized:

(a) To investigate or inquire into misconduct or unprofessional behavior and to recommend that the board take such action with respect thereto as it deems best in the interest of the public and justice, and to obtain the assistance of staff and legal counsel hired by the board of medicine to administer, process and assist in its work.

(b) To recommend that the board initiate, for good cause, proceedings under the disabled physicians and physician assistant act for any licensed physician or physician assistant incapacitated by illness, senility, disability, or addiction to drugs, intoxicants or other chemical or like substances.

(c) To recommend that the board provide by order for reciprocal discipline in cases involving the discipline of a licensed physician or physician assistant disciplined in any other jurisdiction, provided that such licensee or applicant shall be entitled to appear and show cause why such order should not apply in his or her case.

(7) Openness. All formal hearings under the board's direction and control shall be open to the public. Formal dispositions or other formal actions taken by the board under sections 54-1806 and 54-1806A, Idaho Code, also shall be public. Proceedings, studies and investigations which do not result in formal hearings, formal dispositions or other formal actions by the board shall be conducted in private and shall remain confidential.

(8) Voluntary Restriction of Licensure. A physician may request in writing to the board a restriction of his license to practice medicine and the board is authorized to grant such request and, if it deems it appropriate to do so, to attach conditions to the licensure of the physician to practice medicine. The board is also authorized in such cases thereafter to waive the commencement of proceedings under this act or other provisions of the medical practice act if in the interest of justice it determines that such voluntary restrictions have rendered the same unnecessary. Removal of a voluntary restriction on or suspension of licensure to practice medicine shall be subject to the procedures for reinstatement elsewhere in this act or by rule of the board; provided also, such reinstatements may be subject to further conditions specially imposed in the individual case as a condition of the order entered therein.

(9) Adjudication of Discipline or Exoneration. The board shall make a determination of the merits of all proceedings, studies and investigations and, if grounds therefor are found to exist, may issue its order:

(a) Revoking the respondent physician's or physician assistant's license to practice medicine;

(b) Suspending or restricting the respondent physician's or physician assistant's license to practice medicine;

(c) Imposing conditions or probation upon the respondent physician or physician assistant's license, including requiring rehabilitation or remediation;

(d) Issuing a public reprimand;

(e) Imposing an administrative fine not to exceed ten thousand dollars (\$10,000) for each count or offense; and/or

(f) Assessing costs and attorney's fees against the respondent physician for any investigation and/or administrative proceeding.

Every person subject to disciplinary proceedings shall be afforded an opportunity for hearing after reasonable notice, and all investigations, proceedings, and hearings conducted pursuant to this act shall be conducted in accordance with the administrative procedure act, chapter 52, title 67, Idaho Code, and any rules adopted by the board pursuant thereto.

(10) Temporary Suspension or Restriction Pending Final Order. The board may temporarily suspend or restrict the license of any physician or physician assistant on its own motion or on verified petition of any person, pending further or final order, without prior hearing, simultaneously with or at any time after the institution of proceedings under this chapter, if it finds, that the physician or physician assistant, for reasons set forth by petition, affidavit, or other verified showing, or determined in reliance upon other reliable proof, is causing great harm to the public or to any patient or group of patients, or is imminently likely to cause such harm, for which reason he or she and his or her license to practice medicine should be immediately suspended or restricted or he or she should be specially controlled, suspended in or restricted from the practice of medicine. Thereafter the physician or physician assistant may, for good cause, request dissolution or amendment of any such temporary order by petition filed with the board, which petition shall be set for prompt hearing before a designated hearing officer, which officer shall forthwith hear said matter and report to the board his report and recommendations. The board, consistent with due process and the administrative procedure act, chapter 52, title 67, Idaho Code, shall rule on such petition for dissolution or amendment with the least amount of delay reasonably possible.

(11) Judicial Review. All final decisions by the board shall be subject to judicial review pursuant to the administrative procedure act, chapter 52, title 67, Idaho Code.

(12) Protected Action and Communication. There shall be no liability on the part of and no action for damages against:

(a) Any member of the board, the committee on professional discipline or the staff or officials thereof for any action undertaken or performed within the scope of the functions of the board or the committee under this chapter when acting in good faith and in the reasonable belief that such action is warranted; or

(b) Any person providing information or testimony to the board, the committee, or their staff or officials in good faith and in the reasonable belief that such information is accurate.

SECTION 17. That Section 54-2210, Idaho Code, be, and the same is hereby amended to read as follows:

54-2210. QUALIFICATIONS FOR LICENSURE. To be eligible for licensure as a physical therapist or physical therapist assistant, a person must:

(1) ~~Be of good moral character~~ Not have been convicted, found guilty, or received a withheld judgment or suspended sentence in this state or in any other state of a crime deemed relevant in accordance with section 67-9411(1), Idaho Code; and

(2) Submit a completed written application to the board on forms furnished by the board which shall require proof of graduation from a nationally accredited school, with a curriculum acceptable to the board, for physical therapists or physical therapist assistants, and have completed the application process; and

(3) Have either passed to the satisfaction of the board, an examination authorized by the board to determine his or her fitness to practice as a physical therapist or physical therapist assistant, or be entitled to and apply for licensure by endorsement as provided for in section 54-2211, Idaho Code.

SECTION 18. That Section 54-2212, Idaho Code, be, and the same is hereby amended to read as follows:

54-2212. QUALIFICATIONS FOR LICENSURE OF FOREIGN-EDUCATED PHYSICAL THERAPISTS. (1) An applicant for licensure as a physical therapist or physical therapist assistant who has been educated outside of the United States shall:

(a) ~~Be of good moral character~~ Not have been convicted, found guilty, or received a withheld judgment or suspended sentence in this state or in any other state of a crime deemed relevant in accordance with section 67-9411(1), Idaho Code;

(b) Submit a completed written application to the board on forms furnished by the board which shall require proof of graduation from a school for physical therapists or physical therapist assistants with a curriculum acceptable to the board;

(c) Have his or her education credentials evaluated by a board approved credential evaluation agency and provide satisfactory evidence that his or her education is substantially equivalent to the requirements of physical therapists or physical therapist assistants educated in accredited educational programs as determined by the board. If the board determines that a foreign-educated applicant's education is not substantially equivalent, it may require successful completion of additional coursework before proceeding with the application process;

(d) Provide written proof that the school of physical therapy education is recognized by its own ministry of education and that such education would qualify the person for a license to practice physical therapy without limitation in that country;

(e) If the applicant has actually practiced as a physical therapist or physical therapist assistant abroad, the applicant shall provide written proof of authorization to practice as a physical therapist without limitation in the country where the professional education occurred;

(f) Provide proof of legal authorization to reside and seek employment in the United States or its territories;

(g) Provide proof of passing scores on standardized English proficiency examinations as approved by the board if English is not the applicant's native language; and

(h) Have successfully passed competency examinations authorized by the board.

(2) Notwithstanding the provisions of this section, if the foreign-educated physical therapist or physical therapist assistant applicant is a graduate of a professional physical therapy education program accredited by an agency approved by the board, requirements in subsections (1) (c) and (1) (d) of this section shall be waived.

SECTION 19. That Section 54-2307, Idaho Code, be, and the same is hereby amended to read as follows:

54-2307. QUALIFICATIONS FOR LICENSE -- APPLICANTS FOR WHOM AN EXAMINATION MAY BE REQUIRED. An applicant shall be qualified for a license to practice psychology provided proof satisfactory to the board has been received showing:

(1) ~~Acceptable moral character~~ That the applicant has not been convicted, found guilty, or received a withheld judgment or suspended sentence in this state or in any other state of a crime deemed relevant in accordance with section 67-9411(1), Idaho Code; and

(2) Either one of the following:

(a) Graduation from an accredited college or university with a doctoral degree in psychology and two (2) years of supervised experience acceptable to the board, one (1) year of which may include a predoctoral practicum or internship and one (1) of which must be postdoctoral; or

(b) Graduation from an accredited college or university with a doctoral degree in a field related to psychology, provided experience and training are acceptable to the board; and

(3) Successful passage of an examination if such examination is required by the rules duly adopted by the board; and

(4) Receipt of a completed application accompanied by an application fee as established by board rules not to exceed three hundred dollars (\$300), and when an examination is required a processing fee of twenty-five dollars (\$25.00) payable to the bureau of occupational licenses. The fee for any required examination or reexamination shall be submitted directly to the national examining entity. The application fee and the processing fee are not refundable.

SECTION 20. That Section 54-2312, Idaho Code, be, and the same is hereby amended to read as follows:

54-2312. QUALIFICATIONS FOR LICENSE -- ENDORSEMENT. The board may recommend the granting of a license to any person who is licensed or certified by a regulatory board of psychologists in the United States or Canada where such certification or licensure was based on a doctoral degree and who:

(1) Submits a complete application, including the application fee and a license fee not to exceed three hundred dollars (\$300) as established by board rule;

(2) ~~Is of good moral character~~ Has not been convicted, found guilty, or received a withheld judgment or suspended sentence in this state or in any other state of a crime deemed relevant in accordance with section 67-9411(1), Idaho Code;

(3) Has not had a certification or license revoked, suspended or otherwise sanctioned; and

(4) Has certified under oath that they have reviewed and will abide by the laws and rules governing the practice of psychology in Idaho and the code of ethics of the American psychological association and either:

(a) Holds a current certificate of professional qualification in psychology or holds a certificate of professional standing issued by a national credentialing entity approved by the board by rule; or

(b) Meets the requirements of section 54-2307(2), Idaho Code, and board rules relating to endorsement and educational and credentialing requirements for licensure.

SECTION 21. That Section 54-2312A, Idaho Code, be, and the same is hereby amended to read as follows:

54-2312A. SENIOR PSYCHOLOGIST. The board may grant a license to any person who submits a completed application, including the application fee and a license fee not to exceed three hundred dollars (\$300) as established by board rule, and who:

(1) ~~Is of good moral character~~ Has not been convicted, found guilty, or received a withheld judgment or suspended sentence in this state or in any other state of a crime deemed relevant in accordance with section 67-9411(1), Idaho Code;

(2) Has maintained a valid psychology license based on a doctoral degree in the United States or Canada for a period of not less than twenty (20) years;

(3) Has a documented record of psychology practice for five (5) of the last seven (7) years immediately prior to the date of application;

(4) Has a documented record of meeting the continuing education requirement of the jurisdiction where they practiced for not less than five (5) calendar years immediately prior to the date of application;

(5) Has not been the subject of any disciplinary action within the last seven (7) years prior to application or has never voluntarily surrendered a license to practice psychology in any jurisdiction; and

(6) Has certified under oath that he has reviewed and will abide by the laws and rules governing the practice of psychology in Idaho and the code of ethics of the American psychological association.

SECTION 22. That Section 54-2409, Idaho Code, be, and the same is hereby amended to read as follows:

54-2409. APPLICATION FORM -- LICENSE CATEGORIES -- QUALIFICATIONS FOR REGISTRATION AND LICENSE. (1) The board shall approve an application form for the use of applicants. Each applicant shall submit an original application to the board and provide information and documentation as the board may require including, but not limited to, information relating to the education and experience of the applicant. The board shall accept for review the complete application of any person whose application, accompanied by the necessary documentation and fees, is submitted. The board shall carefully evaluate each application, and shall approve the registration and issuance of a license to any applicant ~~of good moral character~~ who has not been convicted, found guilty, or received a withheld judgment or suspended sentence in this state or in any other state of a crime deemed relevant in accordance with section 67-9411(1), Idaho Code, and who has met the education, experience and examination requirements set forth in this chapter and the rules adopted pursuant to the provisions of this chapter. If the board finds upon the basis of evidence submitted, and in accordance with the provisions of this chapter, that the applicant does not meet the requirements, the application shall be denied and any fees submitted shall not be refunded.

(2) The board shall issue licenses in the following categories:

- (a) Drinking water distribution operator and drinking water treatment operator classes;
- (b) Wastewater treatment operator, wastewater collection system operator, and wastewater laboratory analyst classes;
- (c) Backflow assembly tester.

(3) Each applicant for licensure as a water system operator or wastewater system operator shall submit to the board a complete application with the required fee and provide documentation of having met the following requirements prior to being considered for a license:

- (a) Be a lawful resident of the United States;
- (b) Possess a high school diploma, GED, or the equivalent;
- (c) Document additional education as outlined by rule;
- (d) Document such experience as is required by rule;
- (e) Successful completion of and a passing grade on the required examination; and
- (f) Other such requirements as may be determined by board rule.

SECTION 23. That Section 54-2916, Idaho Code, be, and the same is hereby amended to read as follows:

54-2916. QUALIFICATIONS FOR LICENSURE -- HEARING AID DEALER AND FITTER. To be eligible for licensure as a hearing aid dealer and fitter, the applicant shall:

- (1) Provide verification acceptable to the board of:
  - (a) Being at least twenty-one (21) years of age;
  - (b) ~~Good moral character and temperate habits;~~
  - ~~(c) Never having had a license revoked or otherwise sanctioned as part of disciplinary action from this or any other state;~~



(dc) Never having been convicted, found guilty, or received a withheld judgment ~~for any felony or suspended sentence in this state or in any other state of a crime that is deemed relevant in accordance with section 67-9411(1), Idaho Code;~~ and

(ed) Never having been found by the board to have engaged in conduct prohibited by this chapter, provided however, the board may take into consideration the rehabilitation of the applicant and other mitigating circumstances when considering applications for licensure;

(2) Provide educational documentation satisfactory to the board that the applicant has successfully graduated from a four (4) year course at an accredited high school or the equivalent; and

(3) Provide documentation that the applicant has successfully passed an examination approved by the board.

SECTION 24. That Section 54-2916A, Idaho Code, be, and the same is hereby amended 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) ~~Good moral character;~~

~~(b)~~ Never having had a license or certification revoked or otherwise sanctioned as part of disciplinary action from this or any other state;

(eb) Never having been convicted of, found guilty of, or received a withheld judgment or a suspended sentence in this state or in any other state for any crime that is deemed relevant in accordance with section 67-9411(1), Idaho Code; and

(dc) 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 (4) 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 25. That Section 54-3108, Idaho Code, be, and the same is hereby amended to read as follows:

54-3108. QUALIFICATIONS -- REQUIRED EXAMINATION -- RENEWAL OF CERTIFICATES. (1) Applicants for certification must take and pass the Idaho certified shorthand reporter examination. Alternatively, applicants for certification must provide proof, satisfactory to the board, of having passed one (1) of the following examinations within the two (2) years prior to the date of the application:

- (a) The registered professional reporter (RPR) examination;
- (b) The registered merit reporter (RMR) examination;
- (c) The registered diplomate reporter (RDR) examination;
- (d) The certified realtime reporter (CRR) examination; or
- (e) The certified realtime captioner (CRC) examination.

(2) Any applicant who is a lawful resident of the United States of ~~good moral character, having,~~ who has not been convicted, found guilty, or received a withheld judgment or a suspended sentence in this state or in any other state of a crime that is deemed relevant in accordance with section 67-9411(1), Idaho Code, and who has graduated from an accredited high school or ~~having had~~ has an equivalent education, shall be entitled to receive a certificate as a certified shorthand reporter upon payment of the fees required by this chapter. All applications shall be in such form as prescribed by the board and filed with the board at least thirty (30) days prior to the announced date of the reporter examination. The board in its discretion may make such additional investigation and inquiry, or require additional information from the applicant, as it shall deem necessary in determining the qualifications of the applicant. The board shall thereupon notify the applicant as to whether their application to take the reporter examination is accepted.

(3) All certified shorthand reporter certificates shall be issued for a period of one (1) year and shall be renewable upon payment of a renewal fee. The renewal and reinstatement of all certificates issued under the provisions of this chapter shall be in accordance with section 67-2614, Idaho Code.

SECTION 26. That Section 54-3109, Idaho Code, be, and the same is hereby amended to read as follows:

54-3109. QUALIFICATIONS FOR TEMPORARY PERMIT -- RENEWAL. (1) A temporary certified shorthand reporter permit may be issued to an applicant who pays the required fees and who:

- (a) ~~Is of good moral character~~ Has not been convicted, found guilty, or received a withheld judgment or a suspended sentence in this state or in any other state of a crime that is deemed relevant in accordance with section 67-9411(1), Idaho Code; and
- (b) Has graduated from an accredited high school or has an equivalent education; and
  - (i) Is currently licensed in good standing in another state as a certified shorthand reporter, or its equivalent, or has otherwise demonstrated proficiency by a certificate from an agency of another state; or
  - (ii) Has graduated from a national court reporters association (NCRA) approved school.

(2) The application shall be upon such forms as are prescribed by the board and the board may in its discretion make additional investigation and inquiry, or require further information from the applicant, as it shall deem necessary in order to make a determination of the qualifications of the applicant.

(3) An individual shall only be issued one (1) temporary certified shorthand reporter permit. The permit shall be valid for a period of one (1) year and may be renewed for a single additional period of one (1) year upon the payment of required fees and upon a showing of just cause.

SECTION 27. That Section 54-3109A, Idaho Code, be, and the same is hereby amended to read as follows:

54-3109A. ENDORSEMENT -- CERTIFICATION. The board, upon application and the payment of the required fee, may issue a shorthand reporter certificate by endorsement to a person who is of good moral character has not been convicted, found guilty, or received a withheld judgment or a suspended sentence in this state or in any other state of a crime that is deemed relevant in accordance with section 67-9411(1), Idaho Code, who holds a shorthand reporter certificate of qualification or license issued to that person by the proper authority of any state or territory of the United States, and who:

(1) Provides official documentation that the individual has passed at any time one (1) of the examinations set forth in section 54-3108, Idaho Code; and

(2) Provides documentation that the individual has continually worked as a certified shorthand reporter for at least three (3) of the last five (5) years immediately prior to application.

SECTION 28. That Section 54-3115, Idaho Code, be, and the same is hereby amended to read as follows:

54-3115. REINSTATEMENT OF CERTIFICATION. A temporary permit or certified shorthand reporter certificate which has been revoked or suspended, may be reinstated at the discretion of the board upon a finding that the grounds for suspension or revocation no longer exist or that the reporter has made adequate restitution for any damages caused by any misconduct and has demonstrated ~~good moral character sufficient to indicate~~ that the misconduct will not recur. An application for reinstatement shall be in such form as prescribed by the board by rule, and shall be accompanied by an application fee and a reinstatement fee. In the event the certificate was originally suspended or revoked for incompetence, the applicant for reinstatement shall also be required to take and pass the reporters examination and pay an examination fee.

SECTION 29. That Section 54-3206, Idaho Code, be, and the same is hereby amended to read as follows:

54-3206. LICENSING -- QUALIFICATIONS. The board shall issue licenses to qualified applicants who have passed an examination conducted or approved by the board, are of good moral character have not been convicted, found guilty, or received a withheld judgment or a suspended sentence in this state or in any other state of a crime that is deemed relevant in accordance with section 67-9411(1), Idaho Code, and meet one (1) of the following:

(1) For a clinical social worker license, possess a master's degree or doctorate in social work and two (2) years of postgraduate supervised clinical experience approved by the board;

(2) For a master social worker license, possess a master's degree or doctorate in social work from a college or university approved by the board; or

(3) For a bachelor social worker license, possess a baccalaureate degree in social work from a college or university approved by the board.

SECTION 30. That Section 54-3405, Idaho Code, be, and the same is hereby amended to read as follows:

54-3405. QUALIFICATIONS FOR LICENSURE. (1) Licensure as a "licensed professional counselor" shall be restricted to persons of good moral character who have not been convicted, found guilty, or received a withheld judgment or a suspended sentence in this state or in any other state of a crime that is deemed relevant in accordance with section 67-9411(1), Idaho Code, and who have successfully completed each of the following requirements:

- (a) A master's degree or higher in counseling or a related field of study, as approved by the board, which includes completion of a practicum of supervised clinical contact as defined by rule;
- (b) An examination if required by the board's rules; and
- (c) One thousand (1,000) hours of supervised experience in counseling acceptable to the board.

(2) A license will not be allowed an individual whose license, certification or registration has been revoked or suspended in this or any other state and in this or any other related field. Such an individual may not be licensed under this chapter unless the period of revocation or suspension has been completed and the board has conducted a competency review and determined that an acceptable degree of rehabilitation has been accomplished.

SECTION 31. That Section 54-4009, Idaho Code, be, and the same is hereby amended to read as follows:

54-4009. REQUIREMENTS FOR ISSUANCE OF LICENSE. Upon application to the board and the payment of the required fees, an applicant may be licensed as a massage therapist if the applicant meets all the requirements of this chapter and provides documentation acceptable to the board that he or she:

- (1) Has obtained a high school diploma or equivalent;
- (2) Is eighteen (18) years of age or older;
- (3) ~~Is of good moral character~~ Has not been convicted, found guilty, or received a withheld judgment or a suspended sentence in this state or in any other state of a crime that is deemed relevant in accordance with section 67-9411(1), Idaho Code;
- (4) Has successfully completed a massage program registered pursuant to chapter 24, title 33, Idaho Code, or a comparable authority in another state that consists of the minimum of five hundred (500) in-class supervised hours of coursework and clinic work; and
- (5) Has successfully passed a nationally recognized competency examination in massage therapy that is approved by the board. The passage of this exam may have occurred prior to the effective date of this chapter.

SECTION 32. That Section 54-4206, Idaho Code, be, and the same is hereby amended to read as follows:

54-4206. QUALIFICATIONS FOR EXAMINATION FOR LICENSE. (1) The board shall admit to the examination for licensure as a residential care facility administrator any candidate who submits the required application, pays a fee as determined by the board, ~~submits evidence of good moral character and suitability prescribed by the board~~ has not been convicted, found guilty, or received a withheld judgment or a suspended sentence in this state or in any other state of a crime that is deemed relevant in accordance with section 67-9411(1), Idaho Code, and is at least twenty-one (21) years old; and

(2) Each applicant shall submit evidence satisfactory to the board that he has successfully completed specialized courses or a program of study in the area of residential care facility administration as required and approved by the rules of the board; and

(3) Each applicant shall meet one (1) of the following combinations of education and experience:

- (a) A high school diploma or equivalent and eight hundred (800) hours of on-site experience in a residential care facility under the supervision of a licensed administrator;
- (b) An associate degree from an accredited college or university or equivalent and four hundred (400) hours of on-site experience in a residential care facility under the supervision of a licensed administrator; or

(c) A bachelor's degree from an accredited college or university and two hundred (200) hours of on-site experience in a residential care facility under the supervision of a licensed administrator.

(4) A candidate who applies for examination under and pursuant to this section, but who does not otherwise meet the experience requirements provided for in subsection (3) of this section, may submit evidence satisfactory to the board that such applicant has satisfactory practical experience obtained in an internship training program in residential care facility administration as approved by the board or in a medical or health care facility as approved by the board.

SECTION 33. That Section 54-5307, Idaho Code, be, and the same is hereby amended to read as follows:

54-5307. QUALIFICATIONS FOR A DEALER'S LICENSE. Except as herein otherwise provided, the following shall be considered minimum requirements for a dealer's license. All applicants shall:

(1) Provide verification acceptable to the board of:

(a) Being at least eighteen (18) years of age; and

(b) ~~Good moral character; and~~

~~(c) Never having had a license revoked or otherwise sanctioned as part of disciplinary action from this or any other state; and~~

~~(d) Never having been convicted of, found guilty of, or received a withheld judgment or suspended sentence in this state or in any other state for any crime that is deemed relevant in accordance with section 67-9411(1), Idaho Code; 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 a license.

(2) Provide documentation satisfactory to the board that the applicant has successfully completed a certified educational training program approved by the board.

(3) Provide documentation satisfactory to the board that the applicant has successfully completed such experience as may be required by the board.

(4) Provide documentation that the applicant has successfully passed an examination approved by the board.

(5) Prior to July 1, 2006, the board may deem other education, experience, or examinations equivalent to the licensing requirements set forth in this chapter, provided that the board is satisfied, and the applicant provides documentation acceptable to the board that such applicant has:

(a) Documented experience in this state prior to July 1, 2005, in the LPG industry; and

(b) Practiced for not less than five (5) years in the field for which such applicant is applying for a license; and

(c) Applied for a license prior to July 1, 2006.

SECTION 34. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 25, 2022

CHAPTER 247  
(H.B. No. 797)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF OPERATIONS; APPROPRIATING MONEYS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF OPERATIONS FOR FISCAL YEAR 2023; APPROPRIATING GENERAL FUND MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND FOR FISCAL YEAR 2023; AMENDING SECTION 33-1004E, IDAHO CODE, TO INCREASE THE BASE SALARY FOR CLASSIFIED STAFF; PROVIDING AN ESTIMATE OF DISCRETIONARY FUNDS PER SUPPORT UNIT; PROVIDING AN ESTIMATE OF HEALTH BENEFIT AND INSURANCE FUNDS PER SUPPORT UNIT AND REQUIRING A REPORT; DIRECTING THE USE OF AN APPROPRIATION FOR INFORMATION TECHNOLOGY STAFFING COSTS; DIRECTING THE USE OF AN APPROPRIATION FOR CLASSROOM TECHNOLOGY, WIRELESS INFRASTRUCTURE, AND INSTRUCTIONAL MANAGEMENT SYSTEMS; DEFINING "DISTRIBUTED"; EXEMPTING THE APPROPRIATION FROM PROGRAM TRANSFER LIMITATIONS; CLARIFYING THE ORIGINAL FUND SOURCE FOR EXPENDITURES FOR THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF OPERATIONS FOR FISCAL YEAR 2023; APPROPRIATING ADDITIONAL MONEYS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF OPERATIONS FOR FISCAL YEAR 2022; APPROPRIATING GENERAL FUND MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND FOR FISCAL YEAR 2022; CLARIFYING THE ORIGINAL FUND SOURCE FOR EXPENDITURES FOR THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF OPERATIONS FOR FISCAL YEAR 2022; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Public Schools Educational Support Program's Division of Operations \$906,575,900 to be expended from the Public School Income Fund for the period July 1, 2022, through June 30, 2023.

SECTION 2. There is hereby appropriated and the Office of the State Controller shall transfer \$838,043,700 from the General Fund to the Public School Income Fund on July 1, 2022, or as soon thereafter as practicable for the period July 1, 2022, through June 30, 2023.

SECTION 3. That Section 33-1004E, Idaho Code, be, and the same is hereby amended to read as follows:

33-1004E. DISTRICT'S SALARY-BASED APPORTIONMENT. Each district shall be entitled to a salary-based apportionment calculated as provided in this section.

(1) To determine the apportionment for instructional staff, take the amounts indicated on the career ladder table plus the amounts associated with the additional education allocation amounts pursuant to section 33-1004B, Idaho Code, and calculate the weighted average. The amount so determined shall be multiplied by the district staff allowance for instructional staff determined as provided in section 33-1004(2), Idaho Code. Full-time instructional staff salaries shall be determined from a salary schedule developed by each district and submitted to the state department of education. No full-time instructional staff member or pupil service staff member on the residency compensation rung shall be paid less than the minimum dollar amount on the career ladder residency compensation rung pursuant to section 33-1004B, Idaho Code, for the applicable fiscal year.

(2) Effective July 1, 2022, no full-time instructional staff member or pupil service staff member on the professional or advanced professional compensation rung shall be paid less than the minimum dollar amount on the career ladder professional compensation rung pursuant to section 33-1004B, Idaho Code, for the applicable fiscal year.

(3) Effective July 1, 2025, no full-time instructional staff member or pupil service staff member on the advanced professional compensation rung shall be paid less than the minimum dollar amount on the advanced professional compensation rung pursuant to section 33-1004B, Idaho Code, for the applicable fiscal year.

(4) If an instructional staff member has been certified by the national board for professional teaching standards, the staff member shall receive two thousand dollars (\$2,000) per year for five (5) years from the year in which national board certification was earned. The district staff allotment shall be increased by two thousand dollars (\$2,000) for each national board-certified instructional staff member who earned national board certification; provided however, that no such awards shall be paid for the period July 1, 2010, through June 30, 2011, nor shall any liabilities accrue or payments be made pursuant to this section in the future to any individuals who would have otherwise qualified for a payment during this stated time period. The resulting amount is the district's salary-based apportionment for instructional staff. For purposes of this section, teachers qualifying for the salary increase shall be those who have been recognized as national board-certified teachers as of July 1 of each year.

(5) To determine the apportionment for pupil service staff, take the amounts indicated on the career ladder table plus the amounts associated with the additional education allocation amounts pursuant to section 33-1004B, Idaho Code, and calculate the weighted average. If the district does not employ any pupil service staff, the district's pupil service staff average salary shall equal the district's instructional staff average salary for purposes of calculating pupil service salary-based apportionment. The amount so determined shall be multiplied by the district staff allowance for pupil service staff determined pursuant to section 33-1004(3), Idaho Code. Full-time pupil service staff salaries shall be determined from a salary schedule developed by each district and submitted to the state department of education. The resulting amount is the district's salary-based apportionment for pupil service staff. No full-time pupil service staff member shall be paid less than the minimum dollar amount on the career ladder residency compensation rung pursuant to section 33-1004B, Idaho Code, for the applicable fiscal year.

(6) To determine the apportionment for district administrative staff, first determine the district average experience and education index by placing all eligible certificated administrative employees on the statewide index provided in section 33-1004A, Idaho Code. The resulting average is the district index. If the district does not employ any administrative staff, the district administrative index shall equal the statewide average index for purposes of calculating administrative salary-based apportionment. The district administrative staff index shall be multiplied by the base salary of thirty-eight thousand seven hundred seventy-seven dollars (\$38,777). The amount so determined shall be multiplied by the district staff allowance for administrative staff determined as provided in section 33-1004(4), Idaho Code. The resulting amount is the district's salary-based apportionment for administrative staff.

(7) To determine the apportionment for classified staff, multiply ~~twenty-three thousand two hundred sixteen dollars (\$23,216)~~ twenty-four thousand eight hundred forty-one dollars (\$24,841) by the district classified staff allowance determined as provided in section 33-1004(5), Idaho Code. The amount so determined is the district's apportionment for classified staff.

(8) The district's salary-based apportionment shall be the sum of the apportionments calculated in subsections (1), (4), (5), (6) and (7) of this section, plus the benefit apportionment as provided in section 33-1004F, Idaho Code.

SECTION 4. DISCRETIONARY FUNDS. Notwithstanding any law to the contrary, for the period July 1, 2022, through June 30, 2023, it is estimated that the appropriation of state funds to the Public Schools Educational Support Program's Division of Operations will result in total discretionary funds of \$16,226 per support unit that are to be used at the discretion of the school district or charter school.

SECTION 5. HEALTH BENEFIT AND INSURANCE FUNDS. Notwithstanding any law to the contrary, for the period July 1, 2022, through June 30, 2023, it is estimated that the appropriation of state funds to the Public Schools Educational Support Program's Division of Operations will result in total health benefits or insurance, and health benefits-related funds of \$19,698 per support unit to be used to offset the costs of health, vision, and dental benefits or insurance offered to school employees. If the distribution provided for health, vision, and dental benefits or insurance is in excess of the individual school district or charter school actual costs, the excess funds may then be used at school district or charter school discretion. Further, the State Department of Education shall work with the Legislative Services Office Division of Budget and Policy Analysis and the Division of Financial Management to determine the information that the State Department of Education shall collect on school district and charter school health, vision, and dental benefits or insurance plan information and costs, including but not limited to actual insurance premium costs and premium percentage increases.

Each public school district and public charter school that receives funding from the state shall provide a report to the Legislative Services Office Budget and Policy Analysis Division and the Division of Financial Management no later than December 1, 2022. The format of the report and contents therein shall be determined by the Legislative Services Office Division of Budget and Policy Analysis. This data will inform future funding decisions. The report, at a minimum, shall include:

- (1) The actual appropriations and expenditures for the period July 1, 2021, through June 30, 2022, by the school district or public charter school for health benefit or insurance distributions; and
- (2) The original appropriation and estimated expenditures for the period July 1, 2022, through June 30, 2023, by the school district or public charter school for health benefit or insurance distributions.

SECTION 6. INFORMATION TECHNOLOGY STAFFING COSTS. Of the moneys appropriated in Section 1 of this act, \$4,000,000 from the Public School Income Fund shall be distributed for public school information technology staff costs. Such moneys shall be distributed pursuant to a formula, with a minimum distribution per school district and public charter school, determined by the State Department of Education.

SECTION 7. CLASSROOM TECHNOLOGY. Of the moneys appropriated in Section 1 of this act, \$26,500,000 from the Public School Income Fund shall be distributed for classroom technology, classroom technology infrastructure, wireless technology infrastructure, and instructional management systems that assist teachers and students in effective and efficient instruction or learning. Funding shall be distributed based on a formula prescribed by the State Department of Education. Moneys so distributed shall be used to implement and operate an instructional management system of each district's choice that meets the individual learning needs and progress of all students. An instructional management system must include individual student



learning plans, monitoring of interventions, integration with a district's Student Information System, and analysis of student and classroom levels of learning. Furthermore, the State Department of Education shall verify that districts are using funds to purchase an instructional management system that is compliant with these standards.

SECTION 8. DEFINITION. For the purposes of this appropriation, "distributed" means moneys that are transferred to school districts and public charter schools, with no funds withheld for any other contract or administrative costs.

SECTION 9. EXEMPTIONS FROM PROGRAM TRANSFER LIMITATIONS. For fiscal year 2023, the State Department of Education is hereby granted the authority to transfer appropriations among the Administrators, Teachers, Operations, Children's Programs, and Facilities divisions of the Public Schools Educational Support Program, in any amount necessary, to comply with the public school funding provisions of appropriations and Idaho Code. Additionally, appropriations may be transferred from the Division of Central Services to the other divisions of the Public Schools Educational Support Program.

SECTION 10. Of the amounts appropriated in Section 1 of this act to the Public Schools Educational Support Program's Division of Operations, the following amounts shall be considered expended from the listed funds for the period July 1, 2022, through June 30, 2023:

FROM:

General Fund	\$838,043,700
Public Schools Other Income Fund	7,000,000
Public School Endowment Income Fund	<u>61,532,200</u>
TOTAL	\$906,575,900

SECTION 11. In addition to the appropriation made in Section 3, Chapter 338, Laws of 2021, and any other appropriation provided by law, there is hereby appropriated to the Public Schools Educational Support Program's Division of Operations \$19,598,700 from the Public School Income Fund for the period July 1, 2021, through June 30, 2022.

SECTION 12. There is hereby appropriated and the Office of the State Controller shall transfer \$19,598,700 from the General Fund to the Public School Income Fund as soon as practicable for the period July 1, 2021, through June 30, 2022.

SECTION 13. Of the additional amounts appropriated in Section 11 of this act to the Public Schools Educational Support Program's Division of Operations, \$19,598,700 shall be considered expended from the General Fund for the period July 1, 2021, through June 30, 2022.

SECTION 14. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 25, 2022

CHAPTER 248  
(H.B. No. 792)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF ADMINISTRATORS; APPROPRIATING MONEYS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF ADMINISTRATORS FOR FISCAL YEAR 2023; APPROPRIATING GENERAL FUND MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND FOR FISCAL YEAR 2023; AMENDING SECTION 33-1004E, IDAHO CODE, TO INCREASE THE BASE SALARY FOR ADMINISTRATORS; CLARIFYING THE ORIGINAL FUND SOURCE FOR EXPENDITURES IN THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF ADMINISTRATORS FOR FISCAL YEAR 2023; APPROPRIATING ADDITIONAL MONEYS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF ADMINISTRATORS FOR FISCAL YEAR 2022; APPROPRIATING ADDITIONAL GENERAL FUND MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND FOR FISCAL YEAR 2022; CLARIFYING THE ORIGINAL FUND SOURCE FOR EXPENDITURES IN THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF ADMINISTRATORS FOR FISCAL YEAR 2022; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Public Schools Educational Support Program's Division of Administrators \$116,177,000 to be expended from the Public School Income Fund for the period July 1, 2022, through June 30, 2023.

SECTION 2. There is hereby appropriated and the Office of the State Controller shall transfer \$116,177,000 from the General Fund to the Public School Income Fund on July 1, 2022, or as soon thereafter as practicable for the period July 1, 2022, through June 30, 2023.

SECTION 3. That Section 33-1004E, Idaho Code, be, and the same is hereby amended to read as follows:

33-1004E. DISTRICT'S SALARY-BASED APPORTIONMENT Each district shall be entitled to a salary-based apportionment calculated as provided in this section.

(1) To determine the apportionment for instructional staff, take the amounts indicated on the career ladder table plus the amounts associated with the additional education allocation amounts pursuant to section 33-1004B, Idaho Code, and calculate the weighted average. The amount so determined shall be multiplied by the district staff allowance for instructional staff determined as provided in section 33-1004(2), Idaho Code. Full-time instructional staff salaries shall be determined from a salary schedule developed by each district and submitted to the state department of education. No full-time instructional staff member or pupil service staff member on the residency compensation rung shall be paid less than the minimum dollar amount on the career ladder residency compensation rung pursuant to section 33-1004B, Idaho Code, for the applicable fiscal year.

(2) Effective July 1, 2022, no full-time instructional staff member or pupil service staff member on the professional or advanced professional compensation rung shall be paid less than the minimum dollar amount on the career ladder professional compensation rung pursuant to section 33-1004B, Idaho Code, for the applicable fiscal year.

(3) Effective July 1, 2025, no full-time instructional staff member or pupil service staff member on the advanced professional compensation rung shall be paid less than the minimum dollar amount on the advanced professional compensation rung pursuant to section 33-1004B, Idaho Code, for the applicable fiscal year.

(4) If an instructional staff member has been certified by the national board for professional teaching standards, the staff member shall receive two thousand dollars (\$2,000) per year for five (5) years from the year in which national board certification was earned. The district staff allotment shall be increased by two thousand dollars (\$2,000) for each national board-certified instructional staff member who earned national board certification; provided however, that no such awards shall be paid for the period July 1, 2010, through June 30, 2011, nor shall any liabilities accrue or payments be made pursuant to this section in the future to any individuals who would have otherwise qualified for a payment during this stated time period. The resulting amount is the district's salary-based apportionment for instructional staff. For purposes of this section, teachers qualifying for the salary increase shall be those who have been recognized as national board-certified teachers as of July 1 of each year.

(5) To determine the apportionment for pupil service staff, take the amounts indicated on the career ladder table plus the amounts associated with the additional education allocation amounts pursuant to section 33-1004B, Idaho Code, and calculate the weighted average. If the district does not employ any pupil service staff, the district's pupil service staff average salary shall equal the district's instructional staff average salary for purposes of calculating pupil service salary-based apportionment. The amount so determined shall be multiplied by the district staff allowance for pupil service staff determined pursuant to section 33-1004(3), Idaho Code. Full-time pupil service staff salaries shall be determined from a salary schedule developed by each district and submitted to the state department of education. The resulting amount is the district's salary-based apportionment for pupil service staff. No full-time pupil service staff member shall be paid less than the minimum dollar amount on the career ladder residency compensation rung pursuant to section 33-1004B, Idaho Code, for the applicable fiscal year.

(6) To determine the apportionment for district administrative staff, first determine the district average experience and education index by placing all eligible certificated administrative employees on the statewide index provided in section 33-1004A, Idaho Code. The resulting average is the district index. If the district does not employ any administrative staff, the district administrative index shall equal the statewide average index for purposes of calculating administrative salary-based apportionment. The district administrative staff index shall be multiplied by the base salary of ~~thirty-eight thousand seven hundred seventy-seven dollars (\$38,777)~~ forty-one thousand four hundred ninety-one dollars (\$41,491). The amount so determined shall be multiplied by the district staff allowance for administrative staff determined as provided in section 33-1004(4), Idaho Code. The resulting amount is the district's salary-based apportionment for administrative staff.

(7) To determine the apportionment for classified staff, multiply twenty-three thousand two hundred sixteen dollars (\$23,216) by the district classified staff allowance determined as provided in section 33-1004(5), Idaho Code. The amount so determined is the district's apportionment for classified staff.

(8) The district's salary-based apportionment shall be the sum of the apportionments calculated in subsections (1), (4), (5), (6) and (7) of this section, plus the benefit apportionment as provided in section 33-1004F, Idaho Code.

SECTION 4. Of the amounts appropriated in Section 1 of this act for the Public Schools Educational Support Program's Division of Administrators, \$116,177,000 shall be considered expended from the General Fund for the period July 1, 2022, through June 30, 2023.

SECTION 5. In addition to the appropriation made in Section 3, Chapter 312, Laws of 2021, and any other appropriation provided by law, there is hereby appropriated to the Public Schools Educational Support Program for the Division of Administrators \$2,820,800 from the Public School Income Fund for the period July 1, 2021, through June 30, 2022.

SECTION 6. There is hereby appropriated and the Office of the State Controller shall transfer \$2,820,800 from the General Fund to the Public School Income Fund as soon as practicable for the period July 1, 2021, through June 30, 2022.

SECTION 7. Of the additional amounts appropriated in Section 5 of this act for the Public Schools Educational Support Program's Division of Administrators, \$2,820,800 shall be considered expended from the General Fund for the period July 1, 2021, through June 30, 2022.

SECTION 8. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 25, 2022

CHAPTER 249  
(S.B. No. 1411)

AN ACT

RELATING TO THE APPROPRIATION TO THE WORKFORCE DEVELOPMENT COUNCIL; APPROPRIATING MONEYS TO THE WORKFORCE DEVELOPMENT COUNCIL FOR FISCAL YEAR 2023; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING AGENCY DIRECTION; PROVIDING REAPPROPRIATION AUTHORITY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. There is hereby appropriated to the Workforce Development Council the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2022, through June 30, 2023:

	FOR	FOR	FOR	
	PERSONNEL	OPERATING	TRUSTEE AND	
	COSTS	EXPENDITURES	BENEFIT	
			PAYMENTS	TOTAL
FROM:				
General				
Fund		\$125,000		\$125,000
Workforce Development Training				
Fund	\$480,800	369,000	\$7,684,500	8,534,300

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
<b>ARPA State Fiscal Recovery</b>				
Fund	123,600	636,000	24,240,400	25,000,000
<b>Federal Grant</b>				
Fund	<u>193,300</u>	<u>80,000</u>	<u>636,500</u>	<u>909,800</u>
TOTAL	\$797,700	\$1,210,000	\$32,561,400	\$34,569,100

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Workforce Development Council is authorized no more than nine (9.00) full-time equivalent positions at any point during the period July 1, 2022, through June 30, 2023, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. CNA CERTIFICATION STUDY. The Workforce Development Council shall solicit and execute a contract to evaluate the certification pipeline for Certified Nursing Assistants (CNA) and provide a report to the Joint Finance-Appropriations Committee by December 1, 2022. The report shall include at a minimum: recommendations to provide an effective regulatory process such that a pipeline of CNAs is developed in alignment with the needs of employers; recommendations to provide readily accessible education for the profession statewide; and recommendations as to how a uniform disciplinary process could be implemented for reports of abuse and neglect.

SECTION 4. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Workforce Development Council any unexpended and unencumbered balances appropriated to the Workforce Development Council for Child Care Infrastructure Grants from the ARPA State Fiscal Recovery Fund for fiscal year 2022, in an amount not to exceed \$15,000,000, to be used for nonrecurring expenditures for Child Care Infrastructure Grants for the period July 1, 2022, through June 30, 2023. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 25, 2022

CHAPTER 250  
(S.B. No. 1354)

AN ACT

RELATING TO BARBER AND COSMETOLOGY SERVICES; AMENDING SECTION 54-5802, IDAHO CODE, TO DEFINE TERMS, TO REMOVE A DEFINITION, AND TO REVISE DEFINITIONS; AMENDING SECTION 54-5810, IDAHO CODE, TO ESTABLISH AN APPRENTICESHIP PROGRAM FOR CERTAIN HIGH SCHOOL STUDENTS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 54-5802, Idaho Code, be, and the same is hereby amended to read as follows:

54-5802. DEFINITIONS. As used in this chapter:

(1) "Apprentice" means a person registered with the barber and cosmetology services licensing board to learn an occupation in a licensed establishment who, while so learning, performs or assists in performing any practices of barbering, barber-styling, cosmetology, or electrology.

(2) "Barber" means a person licensed to practice barbering as defined in this section.

(3) "Barbering" means any one (1) or any combination of the following practices when performed on the upper part of the human body for cosmetic purposes and not for the treatment of disease or physical or mental ailments:

(a) Shaving the face or cutting, trimming, arranging, dressing, curling, cleansing, singeing or performing similar work on the hair;

(b) Fitting, cutting or dressing hairpieces or toupees;

(c) Giving facial and scalp massages or treatments with oils, creams, lotions or other preparations, either by hand or by a mechanical appliance; and

(d) Applying cosmetic preparations, antiseptics, powders, oils, clays or lotions to the scalp, face, and neck.

(4) "Barber-styling" means any one (1) or any combination of the following practices when performed on the upper part of the human body for cosmetic purposes and not for the treatment of disease or physical or mental ailments:

(a) Shaving the face or cutting, trimming, arranging, dressing, curling, waving by any method, straightening, cleansing, singeing, bleaching, coloring or performing similar work on the hair;

(b) Fitting, cutting or dressing hairpieces or toupees;

(c) Giving facial and scalp massages or treatments with oils, creams, lotions or other preparations, either by hand or by a mechanical appliance; and

(d) Applying cosmetic preparations, antiseptics, powders, oils, clays or lotions to the scalp, face, and neck.

(5) "Barber-stylist" means a person licensed to practice barber-styling as defined in this section.

(6) "Board" means the barber and cosmetology services licensing board established by section 54-5806, Idaho Code.

(7) ~~"Bureau" means the bureau of occupational licenses.~~

~~(8) "Cosmetologist" means a person licensed to practice cosmetology as defined in this section.~~

(98) "Cosmetology" means any one (1) or any combination of the following practices when performed on the human body for cosmetic purposes and not for the treatment of disease or physical or mental ailments:

(a) Cutting, trimming, arranging, dressing, curling, waving by any method, cleansing, singeing, bleaching, coloring or performing similar work on the hair;

(b) Fitting, cutting or dressing hairpieces or toupees;

(c) Noninvasive care of the skin by application of cosmetic preparations, antiseptics, tonics, lotions, creams and essential oils to cleanse, massage, exfoliate, hydrate and stimulate; makeup application; pore extraction; use of chemical exfoliants approved for professional esthetic use; particle exfoliation; use of any class I medical device, as classified by the United States food and drug administration, designed for care of the skin, except that a class II medical device designed for care of the skin may be used as directed and supervised by an authorized and licensed health care practitioner; temporary removal of superfluous hair by lotions, creams, waxing, tweezing, depilatories or other means; and tinting or perming the eyebrows and eyelashes; and

(d) Manicuring and pedicuring nails and applying artificial nails.

(9) "Division" means the division of occupational and professional licenses.

(10) "Electrologist" means a person licensed to practice electrology, as defined in this section, and skilled in the permanent removal of unwanted hair.

(11) "Electrology" or "electrolysis" means the permanent removal of hair by destroying the hair-producing cells of the skin and vascular system through the use of equipment and devices approved by and registered with the United States food and drug administration.

(12) "Establishment" means a place licensed under this chapter, other than a licensed school, where barbering, barber-styling, cosmetology or electrology is practiced.

(13) "Esthetician" means a person licensed to practice esthetics as defined in this section.

(14) "Esthetics" means noninvasive care of the skin by application of cosmetic preparations, antiseptics, tonics, lotions, creams and essential oils to cleanse, massage, exfoliate, hydrate and stimulate; makeup application; pore extraction; use of chemical exfoliants approved for professional esthetic use; particle exfoliation; use of any class I medical device, as classified by the United States food and drug administration, designed for care of the skin, except that a class II medical device designed for care of the skin may be used as directed and supervised by an authorized and licensed health care practitioner; temporary removal of superfluous hair by lotions, creams, waxing, tweezing, depilatories or other means; and tinting or perming the eyebrows and eyelashes.

(15) "Haircutting" means cutting, trimming, arranging, dressing, curling, cleansing, singeing or performing similar work on the hair and fitting, cutting or dressing hairpieces or toupees.

(16) "High school student" means a person who has completed the first two (2) years of high school and is enrolled in a high school or secondary school licensed under this chapter.

(17) "Instructor" means a person licensed under this chapter to practice and teach any practice defined in this section.

(178) "Instructor trainee" means a barber, barber-stylist or cosmetologist attending a licensed school to receive training to teach barbering, barber-styling or cosmetology.

(189) "Licensed school" means a secondary or postsecondary barber, cosmetology, or electrology school that:

(a) Is licensed under its official name by the barber and cosmetology services licensing board; and

(b) Admits as students only those individuals who meet the requirements of ~~paragraphs (a) and (b) of section 54-5810 (1) (b)~~, Idaho Code.

(1920) "Makeover or glamour photography business" means a business offering photographic services to the general public in which the business's employees apply cosmetic products to customers' faces or arrange the hair of customers in connection with the sale or attempted sale of photographic services.

(201) "Makeup artist" means a person certificated to practice makeup artistry as defined in this section.

(212) "Makeup artistry" means noninvasive care of the skin by application of cosmetic preparations for cleansing and the application of makeup, which includes the application of cosmetics or any pigment product that is used to cover, camouflage or decorate the skin.

(223) "Nail technician" means a person licensed to practice nail technology as defined in this section.

(234) "Nail technology" means any one (1) or more of the following practices when performed on the human body:

- (a) Manicuring and pedicuring nails;
- (b) Applying artificial nails; and
- (c) Massaging the hands and feet.

(245) "Retail cosmetics dealer" means a stationary business offering cosmetic products for sale at retail to the general public, in which the business's employees apply cosmetic products to customers' faces in connection with the sale or attempted sale of the products without compensation from the customer other than the regular price of the products.

(256) "Retail thermal styling equipment dealer" means a retail business that offers thermal styling equipment, such as curling irons, curling wands, flat irons, heated hair rollers, blow-dryers or other devices using heat to style hair, for sale at retail to members of the general public and whose employees engage in the limited use of thermal styling equipment on customers in connection with the sale or attempted sale of the equipment without compensation from the customer other than the regular price of the equipment.

(267) "Student" means a person learning barbering, barber-styling, cosmetology or electrology at a licensed school who, while so learning, performs or assists in performing any practices of barbering, barber-styling, cosmetology or electrology.

SECTION 2. That Section 54-5810, Idaho Code, be, and the same is hereby amended to read as follows:

54-5810. QUALIFICATIONS FOR LICENSURE -- INSTRUCTORS -- APPRENTICES -- STUDENTS. (1) To qualify for licensure under this chapter, an applicant for licensure must:

- (a) Be at least sixteen and one-half (16 1/2) years of age at the time of application;
- (b) Have completed at least two (2) years of high school or have attained an equivalent education as determined by the board;
- (c) Pass an examination for the occupation in which the applicant is seeking licensure, which examination shall be conducted or approved by the board; and
- (d) Prove to the satisfaction of the board that the applicant has not engaged in conduct that would constitute grounds for discipline under section 54-5823, Idaho Code.

(2) Except as otherwise provided, and in addition to the requirements listed in subsection (1) of this section, an applicant for licensure:

- (a) As a barber, must have:
  - (i) Completed and graduated from a course of instruction of at least nine hundred (900) hours in a barber school approved by the board; or



- (ii) Completed at least one thousand eight hundred (1,800) hours as an apprentice in an apprenticeship that covered all aspects of the practice of barbering;
- (b) As a barber-stylist, must have:
  - (i) Completed and graduated from a course of instruction of at least one thousand five hundred (1,500) hours in a barber school approved by the board; or
  - (ii) Completed at least three thousand (3,000) hours as an apprentice in an apprenticeship that covered all aspects of the practice of barber-styling;
- (c) As a cosmetologist, must have:
  - (i) Completed and graduated from a course of instruction of at least one thousand six hundred (1,600) hours in a cosmetology school approved by the board; or
  - (ii) Completed at least three thousand two hundred (3,200) hours as an apprentice in an apprenticeship that covered all aspects of the practice of cosmetology;
- (d) As an electrologist, must have:
  - (i) Completed and graduated from a course of instruction of at least six hundred (600) hours in a school approved by the board; or
  - (ii) Completed at least one thousand two hundred (1,200) hours as an apprentice in a cosmetology establishment under the direct personal supervision of a licensed electrologist instructor;
- (e) As an esthetician, must have:
  - (i) Completed and graduated from a course of instruction of at least six hundred (600) hours in a school approved by the board; or
  - (ii) Completed at least one thousand two hundred (1,200) hours as an apprentice in a cosmetology establishment under the direct personal supervision of a licensed cosmetology instructor. Such establishment must have at least one (1) licensed esthetician on-site in accordance with board rules; and
- (f) As a nail technician, must have:
  - (i) Completed and graduated from a course of instruction of at least four hundred (400) hours in a school approved by the board; or
  - (ii) Completed at least eight hundred (800) hours as an apprentice in a cosmetology establishment under the direct personal supervision of a licensed cosmetology instructor. Such establishment shall have at least one (1) licensed nail technician on-site in accordance with board rules.
- (3) To qualify as an instructor of barbering, barber-styling, cosmetology, electrology, esthetics, or nail technology, an applicant must:
  - (a) Hold a current license in the profession or closely related profession, as determined by the board, for which the applicant seeks to instruct;
  - (b) Have worked for at least five (5) of the last seven (7) years as a licensed barber, barber-stylist, cosmetologist, electrologist, esthetician, or nail technician, or have satisfactorily completed:
    - (i) A minimum six (6) month teacher's course of instruction in one (1) of the specialties described in this subsection; or
    - (ii) A minimum three (3) month teacher's course of instruction in a school of one (1) of the specialties described in this subsection, if the applicant has at least two (2) years of experience as a licensee in one (1) of the specialties described in this subsection; and
  - (c) Have completed twelve (12) college credit hours or equivalent education, as determined by the board, or pass an examination approved by the board.

(4) To be qualified to hold an apprenticeship for purposes of this chapter, a person must:

(a) Meet the qualifications set forth in paragraphs (a), (b), and (d) of subsection (1) of this section; and

(b) Be registered as an apprentice with the board.

(5) To be considered a student for purposes of this chapter, a person must:

(a) Meet the qualifications set forth in paragraphs ~~(a)~~ and (b) of subsection (1) of this section; and

(b) Be registered as a student in a licensed barber school or cosmetology school.

(6) A high school student enrolled in a licensed school may be under sixteen and one-half (16 1/2) years of age while accruing the course of instruction hours required for licensure.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 25, 2022

CHAPTER 251  
(H.B. No. 755)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF LANDS; APPROPRIATING MONIES TO THE DEPARTMENT OF LANDS FOR FISCAL YEAR 2023; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; EXEMPTING THE APPROPRIATION FROM OBJECT TRANSFER LIMITATIONS; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE FIRE SUPPRESSION DEFICIENCY WARRANT FUND FOR FISCAL YEAR 2022; 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 Lands the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2022, through June 30, 2023:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
<b>I. BUSINESS SERVICES:</b>					
<b>FROM:</b>					
<b>General</b>					
Fund	\$466,800	\$287,100			\$753,900
<b>Indirect Cost Recovery</b>					
Fund	74,500	128,400			202,900
<b>Department of Lands</b>					
Fund	778,700	437,200	\$144,600		1,360,500
<b>Endowment Earnings Administrative</b>					
Fund	3,369,100	1,826,000	352,500		5,547,600

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
<b>American Rescue Plan</b>					
Fund	<u>0</u>	<u>0</u>	<u>80,900</u>		<u>80,900</u>
TOTAL	\$4,689,100	\$2,678,700	\$578,000		\$7,945,800
<b>II. FOREST RESOURCES MANAGEMENT:</b>					
<b>FROM:</b>					
<b>General</b>					
Fund	\$1,094,200	\$718,200	\$79,100	\$20,000	\$1,911,500
<b>Indirect Cost Recovery</b>					
Fund	129,200	320,300			449,500
<b>Department of Lands</b>					
Fund	2,501,400	2,954,600	138,900	1,500,000	7,094,900
<b>Endowment Earnings Administrative</b>					
Fund	341,700	80,100			421,800
<b>Community Forestry</b>					
Fund		20,000		20,000	40,000
<b>Federal Grant</b>					
Fund	<u>1,249,300</u>	<u>5,334,500</u>	<u>0</u>	<u>2,915,400</u>	<u>9,499,200</u>
TOTAL	\$5,315,800	\$9,427,700	\$218,000	\$4,455,400	\$19,416,900
<b>III. TRUST LAND MANAGEMENT:</b>					
<b>FROM:</b>					
<b>General</b>					
Fund	\$133,500	\$2,000			\$135,500
<b>Department of Lands</b>					
Fund	233,600	277,500			511,100
<b>Endowment Earnings Administrative</b>					
Fund	<u>14,664,500</u>	<u>11,226,200</u>	<u>\$637,400</u>		<u>26,528,100</u>
TOTAL	\$15,031,600	\$11,505,700	\$637,400		\$27,174,700
<b>IV. FOREST AND RANGE FIRE PROTECTION:</b>					
<b>FROM:</b>					
<b>General</b>					
Fund	\$3,564,800	\$332,300		\$1,275,600	\$5,172,700
<b>Department of Lands</b>					
Fund	4,581,800	533,600	\$2,032,100	873,000	8,020,500
<b>Fire Suppression Deficiency</b>					
Fund	129,500	22,100			151,600
<b>American Rescue Plan</b>					
Fund			6,000		6,000
<b>Federal Grant</b>					
Fund	<u>783,700</u>	<u>1,305,000</u>	<u>0</u>	<u>450,000</u>	<u>2,538,700</u>
TOTAL	\$9,059,800	\$2,193,000	\$2,038,100	\$2,598,600	\$15,889,500

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
<b>V. SCALING PRACTICES:</b>					
<b>FROM:</b>					
Department of Lands					
Fund	\$235,900	\$57,400	\$1,500		\$294,800
<b>VI. MINERALS, PUBLIC TRUST, OIL AND GAS:</b>					
<b>FROM:</b>					
General					
Fund	\$773,700	\$134,500			\$908,200
Department of Lands					
Fund	340,700	1,267,000	\$3,500		1,611,200
Oil and Gas Conservation					
Fund	124,700	86,700			211,400
Navigable Waterways					
Fund	806,000	91,500			897,500
Federal Grant					
Fund	<u>0</u>	<u>7,000,000</u>	<u>0</u>		<u>7,000,000</u>
TOTAL	\$2,045,100	\$8,579,700	\$3,500		\$10,628,300
GRAND TOTAL	\$36,377,300	\$34,442,200	\$3,476,500	\$7,054,000	\$81,350,000

**SECTION 2. FTP AUTHORIZATION.** In accordance with Section 67-3519, Idaho Code, the Department of Lands is authorized no more than three hundred forty-nine and forty-five hundredths (349.45) full-time equivalent positions at any point during the period July 1, 2022, through June 30, 2023, 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.** The Department of Lands 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 the Forest and Range Fire Protection Program for the period July 1, 2022, through June 30, 2023. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

**SECTION 4. CASH TRANSFER.** There is hereby appropriated and the Office of the State Controller shall transfer \$80,000,000 from the General Fund to the Fire Suppression Deficiency Warrant Fund as soon as practicable for the period July 1, 2021, through June 30, 2022. Such moneys shall be used to reimburse costs incurred by the Range and Forest Fire Protection Program in the Department of Lands pursuant to Sections 38-131 and 38-131A, Idaho Code.

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

Approved March 25, 2022

CHAPTER 252  
(H.B. No. 777)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE; APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISION OF MEDICAID FOR FISCAL YEAR 2023; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING FOR GENERAL FUND TRANSFERS TO THE COOPERATIVE WELFARE FUND; DIRECTING EXPENDITURES FOR TRUSTEE AND BENEFIT PAYMENTS; PROVIDING REQUIREMENTS FOR PROGRAM INTEGRITY; REQUIRING MONTHLY MEDICAID TRACKING REPORTS; ALLOWING FOR TRANSFER OF APPROPRIATIONS BETWEEN PROGRAMS; REQUIRING A REPORT ON MEDICAID MANAGED CARE IMPLEMENTATION; REQUIRING COST-SHARING FOR SERVICES; PROVIDING REQUIREMENTS FOR BUDGET INTEGRITY; APPROPRIATING ADDITIONAL MONEYS TO THE DIVISION OF MEDICAID FOR FISCAL YEAR 2022; 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 Division of Medicaid the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2022, through June 30, 2023:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
<b>I. MEDICAID ADMINISTRATION AND MEDICAL MANAGEMENT:</b>				
<b>FROM:</b>				
Cooperative Welfare (General)				
Fund	\$7,468,000	\$11,803,000	\$5,564,000	\$24,835,000
Cooperative Welfare (Dedicated)				
Fund		8,883,800		8,883,800
Idaho Millennium Income				
Fund	105,000	142,300		247,300
Cooperative Welfare (Federal)				
Fund	<u>11,555,100</u>	<u>51,536,300</u>	<u>18,873,700</u>	<u>81,965,100</u>
<b>TOTAL</b>	<b>\$19,128,100</b>	<b>\$72,365,400</b>	<b>\$24,437,700</b>	<b>\$115,931,200</b>

**II. COORDINATED MEDICAID PLAN:**

**FROM:**

Cooperative Welfare (General)

Fund		\$232,466,700	\$232,466,700
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Hospital Assessment

Fund		28,563,000	28,563,000
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	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
<b>Cooperative Welfare (Dedicated)</b>				
Fund			21,476,500	21,476,500
<b>Cooperative Welfare (Federal)</b>				
Fund			<u>541,966,500</u>	<u>541,966,500</u>
TOTAL			\$824,472,700	\$824,472,700
 <b>III. ENHANCED MEDICAID PLAN:</b>				
<b>FROM:</b>				
<b>Cooperative Welfare (General)</b>				
Fund			\$278,778,400	\$278,778,400
<b>Hospital Assessment</b>				
Fund			2,363,500	2,363,500
<b>Cooperative Welfare (Dedicated)</b>				
Fund			212,542,500	212,542,500
<b>Idaho Millennium Income</b>				
Fund			1,886,100	1,886,100
<b>Cooperative Welfare (Federal)</b>				
Fund			<u>917,499,600</u>	<u>917,499,600</u>
TOTAL			\$1,413,070,100	\$1,413,070,100
 <b>IV. BASIC MEDICAID PLAN:</b>				
<b>FROM:</b>				
<b>Cooperative Welfare (General)</b>				
Fund			\$235,575,100	\$235,575,100
<b>Hospital Assessment</b>				
Fund			11,454,500	11,454,500
<b>Cooperative Welfare (Dedicated)</b>				
Fund			18,007,500	18,007,500
<b>Cooperative Welfare (Federal)</b>				
Fund			<u>583,829,900</u>	<u>583,829,900</u>
TOTAL			\$848,867,000	\$848,867,000
 <b>V. EXPANSION MEDICAID PLAN:</b>				
<b>FROM:</b>				
<b>Cooperative Welfare (General)</b>				
Fund			\$58,396,600	\$58,396,600
<b>Cooperative Welfare (Dedicated)</b>				
Fund			121,454,300	121,454,300
<b>Idaho Millennium Income</b>				
Fund			13,451,900	13,451,900

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Cooperative Welfare (Federal)				
Fund			<u>649,065,200</u>	<u>649,065,200</u>
TOTAL			\$842,368,000	\$842,368,000
GRAND TOTAL	\$19,128,100	\$72,365,400	\$3,953,215,500	\$4,044,709,000

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Medicaid Administration and Medical Management Program of the Department of Health and Welfare is authorized no more than two hundred thirteen (213.00) full-time equivalent positions at any point during the period July 1, 2022, through June 30, 2023, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. GENERAL FUND TRANSFERS. As appropriated, the Office of the State Controller shall periodically make transfers from the General Fund to the Cooperative Welfare Fund 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 appropriated in the trustee and benefit payments expense class shall not be transferred to any other expense classes during fiscal year 2023.

SECTION 5. PROGRAM INTEGRITY. Notwithstanding any other provision of law to the contrary, 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 appropriated and available resources for each budgeted program.

SECTION 6. MEDICAID TRACKING REPORT. The Department of Health and Welfare's Division of Medicaid and Division of Indirect Support Services shall deliver a report that compares the Medicaid appropriation, distributed by month for the year, to the actual expenditures and remaining forecasted expenditures for the year on a monthly basis to the Legislative Services Office and the Division of Financial Management. The report shall also include a forecast, updated monthly, of the next fiscal year's anticipated trustee and benefit expenditures. The format of the report and the information included therein shall be determined by the Legislative Services Office and the Division of Financial Management.

SECTION 7. TRANSFER OF APPROPRIATIONS. Notwithstanding the provisions of Section 67-3511, Idaho Code, funding provided for the trustee and benefit payments expense class in the Division of Medicaid may be transferred in excess of ten percent (10%) among the Coordinated Medicaid Plan, Enhanced Medicaid Plan, Basic Medicaid Plan, Expansion Medicaid Plan, and the Medicaid Administration and Medical Management Programs, but shall not be transferred to any other budgeted program or expense class within the Department of Health and Welfare during fiscal year 2023.

SECTION 8. MEDICAID MANAGED CARE IMPLEMENTATION. The Division of Medicaid shall provide a report to the Legislative Services Office and the Division of Financial Management on progress in integrating managed care approaches into the state Medicaid system. The format of the report and information contained therein shall be determined by the Legislative Services Office and the Division of Financial Management. The report shall be submitted no later than December 1, 2022.

SECTION 9. COST-SHARING REQUIREMENT. The Department of Health and Welfare shall implement cost-sharing in the Division of Medicaid, as required by Section 56-257, Idaho Code, to the maximum extent that is federally allowable for the expanded population of children whose families' gross taxable income exceeds one hundred eighty-five percent (185%) but does not exceed three hundred percent (300%) of the federal poverty limit (FPL), for Medicaid-eligible services as identified in House Bill No. 43, as enacted by the First Regular Session of the Sixty-fourth Idaho Legislature.

SECTION 10. BUDGET INTEGRITY. Notwithstanding any other provision of law to the contrary, and consistent with its cost containment strategy, the Department of Health and Welfare's Division of Medicaid shall submit its budget request in accordance with applicable Idaho law as of the date of submission. This section does not prohibit the agency from making requests of the Legislature that would impact any portion of the department's budget. However, any proposed changes to Idaho Code with an anticipated budgetary impact shall be identified in narrative form only, without numerical entries. Further, the department shall submit its budget request based on the forecasted amount for the most recent month available from the report identified in Section 6 of this act and for the estimated needs of maintaining operations of the division.

SECTION 11. In addition to the appropriation made in Section 1, Chapter 303, Laws of 2021, and any other appropriation provided for by law, there is hereby appropriated to the Department of Health and Welfare for the Medicaid Administration and Medical Management Program the following amounts to be expended for operating expenditures from the listed funds for the period July 1, 2021, through June 30, 2022:

FROM:

Cooperative Welfare (General)	
Fund	\$349,400
Cooperative Welfare (Federal)	
Fund	<u>3,144,900</u>
TOTAL	\$3,494,300

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

Approved March 25, 2022



CHAPTER 253  
(H.B. No. 756)

AN ACT

RELATING TO THE CRISIS STANDARDS OF CARE ACT; AMENDING TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 17, TITLE 56, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE LEGISLATIVE INTENT, TO DEFINE TERMS, TO PROVIDE DUTIES OF THE DIRECTOR OF THE DEPARTMENT OF HEALTH AND WELFARE, TO PROVIDE FOR PATIENT AND RESIDENT RIGHTS UNDER CRISIS STANDARDS OF CARE, TO PROVIDE GUIDING PRINCIPLES FOR CRISIS STANDARDS OF CARE, TO PROVIDE FOR CERTAIN REPORTS, AND TO PROVIDE FOR AN OFFICE OF PATIENT OMBUDSMAN; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Title 56, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 17, Title 56, Idaho Code, and to read as follows:

CHAPTER 17  
CRISIS STANDARDS OF CARE ACT

56-1701. SHORT TITLE. This chapter shall be known and may be cited as the "Crisis Standards of Care Act."

56-1702. LEGISLATIVE INTENT. The Idaho legislature recognizes the need for the department of health and welfare to prepare for various public health crises and natural disasters and carry out response activities when a public health crisis or natural disaster occurs. The legislature recognizes the legitimacy of preparing emergency plans and guidance to provide the most benefit possible when health care resources are limited as a result of a public health crisis or natural disaster. However, the department of health and welfare is charged with the responsibility of limiting the duration and scope of operating in crisis standards of care by using all measures that are available and within its authority. The department is further charged with the responsibility of developing long-term capacity strategies to reasonably prepare for future surges in health care demand. Such strategies shall recognize the pace of Idaho's population growth.

56-1703. DEFINITIONS. As used in this chapter:

(1) "Activation" means a declaration by the director of the department of health and welfare that health care facilities may operate under crisis standards of care as necessary when scarce resource limitations preclude operating under usual standards of care.

(2) "Assistance" means aid in meeting daily living needs.

(3) "Crisis standards of care" means a substantial change in the usual health care operations and the level of care it is possible to deliver, justified by specific circumstances and formally declared by a state government in recognition that crisis operations will be in effect for a sustained period.

(4) "Declaration" means the issuance by the director of the department of health and welfare of a declaration or documentation that crisis standards of care have been activated in a particular region or statewide.

(5) "Department" means the Idaho department of health and welfare.

(6) "Director" means the director of the Idaho department of health and welfare.

(7) "Essential caregiver" means a person designated by a patient or resident to visit the patient or resident at a health care facility.

(8) "Health care facility" or "facility" means a hospital, a nursing facility, or an intermediate care facility for individuals with intellectual disabilities as defined in chapter 13, title 39, Idaho Code, or a residential care or assisted living facility as defined in chapter 33, title 39, Idaho Code.

(9) "Health care services" means services for the diagnosis, prevention, treatment, cure, or relief of a health condition, illness, injury, or disease.

(10) "Patient" means a person receiving health care services at a health care facility.

(11) "Resident" means a person receiving assistance at a health care facility.

56-1704. DUTIES OF THE DIRECTOR. The director shall have the power and duty to:

(1) Declare that crisis standards of care are activated in a region or statewide if conditions warrant a declaration; and

(2) Promulgate rules that are necessary to carry out the policies and purposes of this chapter.

56-1705. PATIENT AND RESIDENT RIGHTS UNDER CRISIS STANDARDS OF CARE. During any period of time in which crisis standards of care are activated:

(1) All existing and applicable state and federal patient and resident rights shall be applied. These rights include but are not limited to adherence to a patient's or resident's advance directives and access to patient or resident advocates and decision-makers. No patient or resident shall be denied life-sustaining nutrition and hydration, except when expressly authorized by the patient or resident or the patient's or resident's legal representative for health care decisions; and

(2) A patient or resident in a facility has the right to visitation from essential caregivers while receiving assistance or health care services at a facility, even if other visitors are being excluded by the facility. However, the essential caregiver must follow safety and other protocols imposed by the facility, and a facility may place reasonable restrictions as to where and when the essential caregiver may visit. For purposes of this subsection, a restriction is reasonable if the restriction:

(a) Is necessary to prevent the disruption of assistance or health care services to the patient or resident; and

(b) Does not interfere with the patient's or resident's general right to visitation by an essential caregiver.

56-1706. GUIDING PRINCIPLES UNDER CRISIS STANDARDS OF CARE. A health care facility operating under crisis standards of care must do so according to the following guiding principles:

(1) The focus of crisis standards of care is on saving the most lives with limited health care resources, while maintaining equitable health care access for all patients and residents;

(2) No patients or residents will be discriminated against based on disability, race, color, national origin, age, sex, gender, or exercise of conscience or religion;

(3) In determining candidacy for treatment or access to critical care resources, categorical exclusions are prohibited; and

(4) Decisions regarding candidacy for treatment should be based on individualized assessments using the best available objective medical evidence.

56-1707. DEPARTMENT REPORT -- REPORT BY FACILITIES. Upon activation of crisis standards of care:

(1) The director shall within one (1) week of such activation, or as soon as feasible thereafter, make a formal written report to the governor, the president pro tempore of the senate, the speaker of the house of representatives, the senate health and welfare committee, and the house of representatives health and welfare committee regarding the exact nature of any shortage driving the need for activation. The written report shall include a mitigation plan that addresses how the state can help support the health care facility in addressing resource shortages to limit the scope and duration of operating under crisis standards of care. If the governor has declared a disaster emergency pursuant to chapter 10, title 46, Idaho Code, due to the same or related conditions that necessitated the activation of crisis standards of care, then the director shall also include in the written report recommendations for the use of funds available in the disaster emergency account to mitigate the scarce resource limitations; and

(2) Any health care facility operating under crisis standards of care shall provide a daily report to the department on conditions at the facility, including an assessment as to whether crisis standards of care remain necessary.

56-1708. OFFICE OF PATIENT OMBUDSMAN. If crisis standards of care are declared by the director, there will be established within the governor's office an office of patient ombudsman to receive calls, emails, and written complaints from Idaho patients, residents, or families seeking help in obtaining health care services. The ombudsman shall advocate for the rights and needs of patients and residents negatively impacted by crisis standards of care. The office shall operate for the duration of the crisis standards of care and shall cease to operate no later than three (3) weeks after the declaration of crisis standards of care is terminated. The ombudsman will be provided with sufficient resources for staffing and advertising. When an office of patient ombudsman has been established, the governor's office shall provide a written report to the president pro tempore of the senate, the speaker of the house of representatives, the senate health and welfare committee, and the house of representatives health and welfare committee that contains the number of contacts received, cases engaged, and resolutions obtained by the office of patient ombudsman.

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

Approved March 25, 2022

CHAPTER 254  
(S.B. No. 1421)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF ADMINISTRATION FOR THE DIVISION OF PUBLIC WORKS FOR FISCAL YEAR 2022; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE PERMANENT BUILDING FUND FOR FISCAL YEAR 2022; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR THE DIVISION OF PUBLIC WORKS FOR FISCAL YEAR 2022; AND DECLARING AN EMERGENCY.

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

SECTION 1. CASH TRANSFER. There is hereby appropriated and the Office of the State Controller shall transfer \$2,000,000 from the General Fund to the Permanent Building Fund as soon as practicable for the period July 1, 2021, through June 30, 2022.

SECTION 2. In addition to the appropriation made in Section 1, Chapter 170, Laws of 2021, and any other appropriation provided by law, there is hereby appropriated to the Department of Administration for the Division of Public Works \$2,000,000 from the Permanent Building Fund to be expended for capital outlay for the period July 1, 2021, through June 30, 2022, for the purpose of audiovisual equipment enhancements to conference and hearing rooms throughout state-managed buildings.

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

Approved March 25, 2022

CHAPTER 255  
(H.B. No. 789)

AN ACT

RELATING TO THE APPROPRIATION TO THE STATE DEPARTMENT OF EDUCATION; APPROPRIATING MONEYS TO THE STATE DEPARTMENT OF EDUCATION FOR FISCAL YEAR 2023; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; REQUIRING AN ACQUISITIONS REPORT; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. There is hereby appropriated to the State Department of Education the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2022, through June 30, 2023:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
<b>I. ADMINISTRATION:</b>				
<b>FROM:</b>				
<b>General</b>				
Fund	\$2,785,100	\$807,600	\$3,430,000	\$7,022,700
<b>Indirect Cost Recovery</b>				
Fund	759,400	156,000		915,400
<b>Broadband Infrastructure</b>				
Fund			1,900,000	1,900,000
<b>Public Instruction</b>				
Fund	529,600	197,700		727,300
<b>Federal Grant</b>				
Fund	<u>0</u>	<u>96,000</u>	<u>0</u>	<u>96,000</u>
<b>TOTAL</b>	<b>\$4,074,100</b>	<b>\$1,257,300</b>	<b>\$5,330,000</b>	<b>\$10,661,400</b>
<b>II. STUDENT SERVICES:</b>				
<b>FROM:</b>				
<b>General</b>				
Fund	\$2,495,500	\$3,479,400	\$774,100	\$6,749,000
<b>Indirect Cost Recovery</b>				
Fund	103,900	902,400		1,006,300
<b>Driver's Training</b>				
Fund	204,000	151,100	2,113,300	2,468,400
<b>Public Instruction</b>				
Fund	379,600	764,200	11,400	1,155,200
<b>Miscellaneous Revenue</b>				
Fund	343,900	184,600		528,500
<b>Public Schools Other Income</b>				
Fund	107,200	362,300		469,500
<b>Cigarette, Tobacco and Lottery Income Taxes</b>				
Fund	108,000			108,000
<b>American Rescue Plan</b>				
Fund	478,000	6,960,600		7,438,600
<b>Federal COVID-19 Relief</b>				
Fund	150,000		4,126,300	4,276,300
<b>Federal Grant</b>				
Fund	<u>4,774,100</u>	<u>12,133,800</u>	<u>82,200</u>	<u>16,990,100</u>
<b>TOTAL</b>	<b>\$9,144,200</b>	<b>\$24,938,400</b>	<b>\$7,107,300</b>	<b>\$41,189,900</b>
<b>GRAND TOTAL</b>	<b>\$13,218,300</b>	<b>\$26,195,700</b>	<b>\$12,437,300</b>	<b>\$51,851,300</b>

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the State Department of Education is authorized no more than one hundred twenty-three (123.00) full-time equivalent positions at any point during the period July 1, 2022, through June 30, 2023, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. ACQUISITIONS. Consistent with the provisions of Chapter 92, Title 67, Idaho Code, the State Department of Education is encouraged to engage in open, competitive acquisition processes. The State Department of Education shall provide a report to the Joint Finance-Appropriations Committee by December 1, 2022, on all contracts signed during fiscal year 2022 for property valued at more than \$25,000. The report shall include for each contract: (a) the amount; (b) the duration; (c) the parties; (d) the subject; (e) whether the contract was awarded as a result of an open, competitive acquisition process or a sole source or other noncompetitive procurement pursuant to Section 67-9221, Idaho Code; and (f) the rationale for signing any sole source or other noncompetitive procurements.

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 25, 2022

CHAPTER 256  
(H.B. No. 779)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF ADMINISTRATION FOR THE DIVISION OF PUBLIC WORKS; APPROPRIATING MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR THE DIVISION OF PUBLIC WORKS FOR FISCAL YEAR 2023; AUTHORIZING AND DIRECTING THE ALLOCATION OF FUNDS FOR SPECIFIC PROJECTS FOR FISCAL YEAR 2023; PROVIDING REQUIREMENTS FOR UTILIZATION OF MATCHING FUNDS; PROVIDING REQUIREMENTS REGARDING REALLOCATION OF PROJECT SAVINGS; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE PERMANENT BUILDING FUND FOR FISCAL YEAR 2023; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR THE DIVISION OF PUBLIC WORKS FOR FISCAL YEAR 2022; AUTHORIZING AND DIRECTING THE ALLOCATION OF FUNDS FOR SPECIFIC PROJECTS FOR FISCAL YEAR 2022; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE PERMANENT BUILDING FUND FOR FISCAL YEAR 2022; PROVIDING REQUIREMENTS FOR CHINDEN CAMPUS IMPROVEMENTS; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Department of Administration for the Division of Public Works \$196,828,600 to be expended for capital outlay from the Permanent Building Fund for the period July 1, 2022, through June 30, 2023.

SECTION 2. ALLOCATION OF FUNDS FOR SPECIFIC PROJECTS. Moneys appropriated in Section 1 of this act, or so much thereof as in each case may be necessary, shall be used for the purpose of paying the cost of any land, building, or equipment, or for the rebuilding, renovation, or repair of buildings, installations, facilities, or structures, at the places, institutions, and agencies, or their successors, including those listed in this section. The Permanent Building Fund Advisory Council is hereby authorized and directed to anticipate revenues accruing to the Permanent Building Fund for the purpose of undertaking the construction, renovation, repair, and acquisitions therein authorized, without delay, and to determine the priority of construction pursuant to which the work hereunder will be undertaken.

MAINTENANCE PROJECTS IN THE FOLLOWING AREAS:

Alteration and Repair Projects	\$27,341,200
Asbestos Abatement	500,000
Statewide Americans with Disabilities Act Compliance	1,300,000
Chinden Facilities Maintenance	1,380,000
Capitol Mall Maintenance	<u>1,207,400</u>
TOTAL	\$31,728,600

CAPITAL PROJECTS AND STATEWIDE DEFERRED MAINTENANCE:

ISP Facility - Idaho Falls	\$11,200,000
Communication Tower - Yahoo Creek	500,000
ISU Leonard Hall Remodel, Phase I and II	3,400,000
Deferred Maintenance	<u>150,000,000</u>
TOTAL	\$165,100,000

GRAND TOTAL \$196,828,600

SECTION 3. UTILIZATION OF MATCHING FUNDS. Moneys appropriated in this act may be made available for matching any allocation of moneys now in existence or hereafter made available by agencies of the United States and/or private donations; and the Division of Public Works is authorized to expend, for the purpose of paying the cost of any land, building, or equipment, or for the rebuilding, renovation, or repair of buildings, moneys appropriated for public works to various agencies as part of the respective agency operating budgets, provided the express approval by the Permanent Building Fund Advisory Council is granted to make application for such moneys in each instance.

SECTION 4. REALLOCATION OF PROJECT SAVINGS. The Division of Public Works may have the flexibility to allocate any savings or unused appropriation from any project to any other requested and funded project. The reallocation of such appropriation must be approved by the Permanent Building Fund Advisory Council prior to the funds being spent.

SECTION 5. CASH TRANSFER. There is hereby appropriated and the Office of the State Controller shall transfer \$150,000,000 from the General Fund to the Permanent Building Fund on July 1, 2022, or as soon thereafter as practicable for the period July 1, 2022, through June 30, 2023.

SECTION 6. In addition to the appropriation made in Section 1, Chapter 170, Laws of 2021, and any other appropriation provided by law, there is hereby appropriated to the Department of Administration for the Division of Public Works \$211,525,000 to be expended for capital outlay from the Permanent Building Fund for the period July 1, 2021, through June 30, 2022.

SECTION 7. ALLOCATION OF FUNDS FOR SPECIFIC PROJECTS. Moneys appropriated in Section 6 of this act, or so much thereof as in each case may be necessary, shall be used for the purpose of paying the cost of any land, building, or equipment, or for the rebuilding, renovation, or repair of buildings, installations, facilities, or structures, at the places, institutions, and agencies, or their successors, including those listed in this section. The Permanent Building Fund Advisory Council is hereby authorized and directed to anticipate revenues accruing to the Permanent Building Fund for the purpose of undertaking the construction, renovation, repair, and acquisitions therein authorized, without delay, and to determine the priority of construction pursuant to which the work hereunder will be undertaken.

CAPITAL PROJECTS AND STATEWIDE DEFERRED MAINTENANCE:

ISP Combined Lab	\$29,000,000
CWI Health Science Building - Nampa	10,000,000
Deferred Maintenance	94,000,000
Chinden Campus Improvements	37,000,000
Department of Lands St. Joe Field Office	5,000,000
Communication Tower Upgrades	4,300,000
Pedestrian Crossing over Railway Separating ISU/INL	3,000,000
CSI Automotive and Agricultural Diesel Mechanics Facility	10,000,000
CEI Future Tech Facility	10,000,000
CWI Horticulture Building	5,000,000
NIC Diesel Bay Remodel and Aerospace Training Lab	3,325,000
U of I McCall Field Campus Improvements	<u>900,000</u>
GRAND TOTAL	\$211,525,000

SECTION 8. CASH TRANSFER. There is hereby appropriated and the Office of the State Controller shall transfer \$211,525,000 from the General Fund to the Permanent Building Fund as soon as practicable for the period July 1, 2021, through June 30, 2022.

SECTION 9. CHINDEN CAMPUS IMPROVEMENTS. The Idaho Transportation Department's Boise headquarters will occupy space at the Chinden Campus as campus tenants. Notwithstanding any other provision of law to the contrary, the Department of Administration shall use a portion of the funding appropriated in Section 4 of this act for improvements at the Chinden Campus to prepare office space for occupancy by the Idaho Transportation Department as a replacement for the administrative building located at 3311 W. State Street.

SECTION 10. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 25, 2022



CHAPTER 257  
(H.B. No. 682)

AN ACT

RELATING TO ELECTIONS; AMENDING CHAPTER 14, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-1415, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING NOTIFICATION OF CHANGES IN ELECTION ZONES, DISTRICTS, AND SUBDISTRICTS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 14, Title 34, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 34-1415, Idaho Code, and to read as follows:

34-1415. ELECTION ZONES, DISTRICTS, AND SUBDISTRICTS. Any city or special district subject to the provisions of this chapter whose governing body members are elected by separate zones, districts, or subdistricts shall notify the county clerk of any approved changes in the boundaries of such zones, districts, or subdistricts within thirty (30) days after the approval of such changes or within thirty (30) days prior to the filing deadline for candidates for the governing body, whichever is earlier.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 25, 2022

CHAPTER 258  
(S.B. No. 1427)

AN ACT

RELATING TO THE APPROPRIATION TO THE DIVISION OF VOCATIONAL REHABILITATION AND THE DEPARTMENT OF HEALTH AND WELFARE FOR FISCAL YEAR 2023; REDUCING THE APPROPRIATION TO THE DIVISION OF VOCATIONAL REHABILITATION FOR FISCAL YEAR 2023; REDUCING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS FOR THE DIVISION OF VOCATIONAL REHABILITATION FOR FISCAL YEAR 2023; APPROPRIATING ADDITIONAL MONEYS TO THE DIVISION OF VOCATIONAL REHABILITATION FOR FISCAL YEAR 2023; AUTHORIZING ADDITIONAL FULL-TIME EQUIVALENT POSITIONS TO THE DIVISION OF VOCATIONAL REHABILITATION FOR FISCAL YEAR 2023; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR FISCAL YEAR 2023; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS FOR FISCAL YEAR 2023; DIRECTING EXPENDITURES FOR THE EXTENDED EMPLOYMENT SERVICES PROGRAM; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. Notwithstanding any other provision of law to the contrary, the appropriation made to the Division of Vocational Rehabilitation for the Extended Employment Services Program in Section 1 of Senate Bill No. 1348, as enacted by the Second Regular Session of the Sixty-sixth Idaho Legislature, is hereby reduced by the following amounts for the designated expense classes from the General Fund for the period July 1, 2022, through June 30, 2023:

FOR:

Personnel Costs	\$322,400
Operating Expenditures	91,600
Trustee and Benefit Payments	<u>3,202,900</u>
TOTAL	\$3,616,900

SECTION 2. Notwithstanding any other authorization provided by law, the full-time equivalent position authorization provided to the Division of Vocational Rehabilitation for the Extended Employment Services Program is hereby decreased by three and six-tenths (3.60) for the period July 1, 2022, through June 30, 2023.

SECTION 3. In addition to the appropriation made in Section 1 of Senate Bill No. 1348, as enacted by the Second Regular Session of the Sixty-sixth Idaho Legislature and any other appropriation provided by law, there is hereby appropriated to the Division of Vocational Rehabilitation for the Vocational Rehabilitation Program \$107,800 from the General Fund to be expended for personnel costs for the period July 1, 2022, through June 30, 2023.

SECTION 4. In addition to any other authorization provided by law, the full-time equivalent position authorization provided to the Division of Vocational Rehabilitation for the Vocational Rehabilitation Program is hereby increased by six-tenths (0.60) for the period July 1, 2022, through June 30, 2023.

SECTION 5. There is hereby appropriated to the Department of Health and Welfare for the Division of Services for the Developmentally Disabled for the Extended Employment Services Program the following amounts to be expended according to the designated expense classes from the Cooperative Welfare (General) Fund for the period July 1, 2022, through June 30, 2023:

FOR:

Personnel Costs	\$214,600
Operating Expenditures	91,600
Trustee and Benefit Payments	<u>3,202,900</u>
TOTAL	\$3,509,100

SECTION 6. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Extended Employment Services Program is authorized no more than three (3.00) full-time equivalent positions at any point during the period July 1, 2022, through June 30, 2023, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 7. TRANSFER OF APPROPRIATIONS. Notwithstanding the provisions of Section 67-3511, Idaho Code, funds appropriated to the Extended Employment Services Program shall not be transferred to any other budgeted program in the Department of Health and Welfare during fiscal year 2023.

SECTION 8. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

CHAPTER 259  
(S.B. No. 1426)

AN ACT

RELATING TO THE APPROPRIATION TO THE IDAHO STATE POLICE FOR FISCAL YEAR 2023; APPROPRIATING ADDITIONAL MONEYS TO THE IDAHO STATE POLICE FOR FISCAL YEAR 2023; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the Idaho State Police for the Support Services Program \$1,316,500 from the General Fund to be expended for operating expenditures for the period July 1, 2022, through June 30, 2023, for the purpose of implementing an endangered missing person alert.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 25, 2022

CHAPTER 260  
(S.B. No. 1425)

AN ACT

RELATING TO THE APPROPRIATION TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR SPECIAL PROGRAMS FOR FISCAL YEAR 2023; APPROPRIATING ADDITIONAL MONEYS TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR SPECIAL PROGRAMS FOR FISCAL YEAR 2023; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. In addition to any other appropriation provide by law, there is hereby appropriated to the State Board of Education and the Board of Regents of the University of Idaho for Special Programs for the Scholarships and Grants Program the following amounts from the General Fund to be expended according to the designated expense classes for the period July 1, 2022, through June 30, 2023:

FOR:

Personnel Costs	\$25,000
Trustee and Benefit Payments	<u>750,000</u>
TOTAL	\$775,000

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 25, 2022

CHAPTER 261  
(S.B. No. 1424)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR FISCAL YEAR 2022; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR FISCAL YEAR 2023; 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 188, Laws of 2021, and any other appropriation provided by law, there is hereby appropriated to the Department of Health and Welfare for the Community Hospitalization Program \$1,298,300 from the Cooperative Welfare (General) Fund to be expended for trustee and benefit payments for the period July 1, 2021, through June 30, 2022.

SECTION 2. In addition to any other appropriation provided by law, there is hereby appropriated to the Department of Health and Welfare for the Community Hospitalization Program \$3,895,000 from the Cooperative Welfare (General) Fund to be expended for trustee and benefit payments for the period July 1, 2022, through June 30, 2023.

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

Approved March 25, 2022

CHAPTER 262  
(H.B. No. 780)

AN ACT

RELATING TO PSYCHOLOGISTS; AMENDING SECTION 54-2302, IDAHO CODE, TO REVISE A DEFINITION AND TO DEFINE A TERM; AMENDING SECTION 54-2303, IDAHO CODE, TO REVISE PROVISIONS REGARDING LICENSE EXEMPTIONS; AMENDING SECTION 54-2305, IDAHO CODE, TO REVISE PROVISIONS REGARDING BOARD POWERS; AMENDING SECTION 54-2309, IDAHO CODE, TO REVISE PROVISIONS REGARDING LICENSES AND PERMITS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 54-2302, Idaho Code, be, and the same is hereby amended to read as follows:

54-2302. DEFINITIONS. Within the meaning of this chapter the following definitions apply:

- (1) "Department" means the department of self-governing agencies of the state of Idaho.
- (2) "Bureau chief" means the chief of the bureau of occupational licenses of the state of Idaho.
- (3) "Board" means the Idaho state board of psychologist examiners.

(4) "Licensed medical provider" means a physician or physician assistant licensed pursuant to chapter 18, title 54, Idaho Code, or an advanced practice registered nurse licensed pursuant to chapter 14, title 54, Idaho Code.

(5) ~~"Person," "he" and "his" mean either male or female persons unless a contrary intention is made manifest. None of these words shall be taken to mean other than a natural person.~~ "Person" means a human individual.

(6) "Psychological services" means any services to which the words "psychological," "psychologist" or "psychology" are applied by the person rendering or offering to render them or to the "practice of psychology" as defined in subsection (7) of this section.

(7) "Practice of psychology" means the application of established principles of learning, motivation, perception, thinking, and emotional relationships to problems of personnel evaluation, group relations, and behavior adjustment. The application of said principles includes, but is not restricted to, counseling and the use of psychotherapeutic measures with persons or groups to eliminate symptomatic, maladaptive or undesired behavior so as to enhance interpersonal relationships in the areas of work, family, school, and personal relationships; measuring and testing of personality, intelligence, aptitudes, emotions, public opinion, attitudes, and skills; diagnosing and treating mental and emotional disorders or disabilities; and doing research on problems relating to human behavior.

(8) A person represents himself to be a psychologist when he holds himself out to the public by any title or description incorporating the words "psychological," "psychologist" or "psychology" or offers to render or renders psychological services for remuneration.

(9) "Service extender" means a person who has earned a doctoral degree in psychology or a master's degree in a mental health field and is permitted to provide psychological services under the supervision of a licensed psychologist.

(10) "Temporary permit" means a document issued by the board to a psychologist licensed in another state authorizing the individual to practice psychology in Idaho for a limited period as set forth in this chapter and rules of the board.

SECTION 2. That Section 54-2303, Idaho Code, be, and the same is hereby amended to read as follows:

54-2303. LICENSE REQUIRED -- EXEMPTIONS. (1) It shall be unlawful for any person to practice or to offer to practice psychology, or to represent himself to be a psychologist, unless he shall first obtain a license pursuant to this chapter, except as hereinafter provided.

(2) Nothing in this chapter shall be construed to limit the activities, and use of an official title on the part of a person in the employ of a federal, state, county, or municipal agency, or other political subdivision, insofar as such activities or services are a part of the duties in his salaried position, and insofar as such activities or services are performed solely on behalf of his employer.

(3) Nothing in this chapter shall be construed to limit the activities and services of an undergraduate student, or intern, or resident in psychology, pursuing a course of study approved by the board as qualifying training and experience for psychologists, provided that such activities and services constitute a part of his supervised course of study, and he is designated by such titles as "psychology intern," "psychology trainee," or other title clearly indicating such training status. Nothing in this chapter shall be construed to limit the activities of a person employed by a duly chartered educational institution solely as an administrator, teacher, or researcher or combination thereof in the discharge of those duties.

(4) Nothing in this chapter shall be construed to prevent unlicensed persons from providing certain services under the direct supervision and control of licensed psychologists, under such rules as may be established by the board. Such services may include but are not limited to test administration, shadowing, co-conducting therapy, and brief interventions in the presence of other health care professionals.

(5) Nothing in this chapter shall be construed to prevent qualified members of other professions licensed or registered by the state of Idaho from doing work of a psychological nature consistent with their training and consistent with the code of ethics of their respective professions.

SECTION 3. That Section 54-2305, Idaho Code, be, and the same is hereby amended to read as follows:

54-2305. BOARD OF PSYCHOLOGIST EXAMINERS -- POWERS. The board of psychologist examiners shall have the following powers:

(1) To pass upon the qualifications and fitness of applicants for licenses, reciprocal licenses, certification and provisional certification of prescriptive authority; and, at its option, to adopt and revise rules requiring applicants to pass examinations relating to their qualifications as a prerequisite to the issuance of licenses.

(2) To adopt and, from time to time, revise such rules in accordance with the provisions of chapter 52, title 67, Idaho Code, and not inconsistent with the law as may be necessary to carry into effect the provisions of this chapter. Such rules shall include, but need not be limited to, a code of ethics for psychologists in the state consistent with the current, and as future amended, ethical standards for psychologists of the American psychological association and the educational and professional qualifications of applicants for licensing under this chapter.

(3) To examine for, deny, approve, issue, revoke, suspend and renew the licenses, permits, and certifications of psychologists, service extenders, and psychologist applicants pursuant to this chapter, and to conduct hearings in connection therewith.

(4) To conduct hearings upon complaints concerning violations of the provisions of, and the rules adopted pursuant to, this chapter and cause the prosecution and enjoinder of all such violations.

(5) The board, or its duly appointed hearing officer, shall have the power in any disciplinary proceeding under this chapter to administer oaths, take depositions of witnesses within or without the state in the manner provided by law in civil cases, and may apply to any district court of this state for a subpoena to require the attendance of such witnesses and the production of such books, records, and papers as it deems necessary. The fees and mileage of the witnesses shall be the same as that allowed in district courts in criminal cases, which fees and mileage shall be paid 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 be lawfully interrogated. ~~It~~, it shall be the duty of any district court in this state, on application by the board, to compel compliance with the subpoena by proceedings for contempt, as in the case of disobedience of the requirements of the subpoena issued from such court for refusal to testify therein. The licensed person accused in such proceedings shall have the same right of subpoena.

(6) Proceedings before the board and judicial review of the action of the board shall be governed by the provisions of chapter 52, title 67, Idaho Code.

(7) To authorize, by written agreement, the bureau of occupational licenses as agent to act in its interest.

(8) To adopt a rule requiring continuing education as a condition of continued licensure and certification.

(9) To adopt rules allowing for a temporary permit to individuals licensed as psychologists in another state authorizing such individuals to practice psychology in Idaho for a period not to exceed thirty (30) days pursuant to such terms and requirements as set forth in the rules.

(10) To establish by rule an inactive license status.

(11) To establish by rule the standards and requirements for the use of communication technology in the practice of psychology, including supervision.

(12) To establish by rule certification and provisional certification of prescriptive authority pursuant to sections 54-2316 through 54-2319, Idaho Code.

(13) To establish by rule a limited formulary or formularies for prescribing use by holders of certification and provisional certification of prescriptive authority.

(14) To establish by rule the permitting of service extenders.

SECTION 4. That Section 54-2309, Idaho Code, be, and the same is hereby amended to read as follows:

54-2309. NONISSUANCE AND REVOCATION OF LICENSE OR PERMIT. No license or permit may be issued, and a license or permit previously issued may be revoked, suspended, restricted, or otherwise disciplined if the person applying, or the person licensed be or permitted, is:

(1) Found guilty by a court of competent jurisdiction of a felony crime that is deemed relevant in accordance with section 67-9411(1), Idaho Code;

(2) Found by the board to be a repeated and excessive abuser of a controlled substance;

(3) Found by the board to be a repeated and excessive abuser of alcohol;

(4) Found by the board to be in violation of any provision of this chapter or any of the rules adopted pursuant to this chapter; or

(5) Found by the board to have been unethical as detailed by the current, and future amended, ethical standards of the American psychological association.

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

Approved March 25, 2022

CHAPTER 263  
(H.B. No. 778)

AN ACT

RELATING TO THE IDAHO PATIENT ACT; AMENDING SECTION 48-303, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 48-304, IDAHO CODE, TO REVISE PROVISIONS REGARDING REQUIREMENTS FOR EXTRAORDINARY COLLECTION ACTIONS; AMENDING SECTION 48-305, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 48-306, IDAHO CODE, TO REVISE PROVISIONS REGARDING EXTRAORDINARY COLLECTION ACTIONS AFTER UNTIMELY NOTICE; AMENDING SECTION 48-307, IDAHO CODE, TO REVISE A PROVISION REGARDING THE BURDEN OF PROOF; AMENDING SECTION 48-308, IDAHO CODE, TO REVISE A PROVISION REGARDING THE REBUTTABLE PRESUMPTION OF RECEIPT; AMENDING SECTION 48-309, IDAHO CODE, TO REVISE A PROVISION REGARDING AN EXEMPTION FROM THE DELIVERY OF CONSOLIDATED SUMMARY OF SERVICES; AMENDING SECTION 48-310, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING CHAPTER 3, TITLE 48, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 48-314, IDAHO CODE, TO PROVIDE FOR SEVERABILITY; AMENDING CHAPTER 3, TITLE 48, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 48-315, IDAHO CODE, TO PROVIDE FOR LEGISLATIVE INTENT REGARDING APPLICABILITY; AND DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

SECTION 1. That Section 48-303, Idaho Code, be, and the same is hereby amended to read as follows:

48-303. DEFINITIONS. For the purposes of this chapter:

(1) (a) "Consolidated summary of services" means a written notice that contains, at a minimum, the following:

(ai) The name and contact information, including telephone number, of the patient;

(bii) The name and contact information, including telephone number, of the health care facility that the patient visited to receive goods or services;

(eiii) The date and duration of the visit to the health care facility by the patient;

(div) A general description of goods and services provided to the patient during the visit to the health care facility, including the name, address, and telephone number of each billing entity whose health care providers provided the services and goods to the patient; and

(ev) A clear and conspicuous notification at the top of the notice that states: "This is Not a Bill. This is a Summary of Medical Services You Received. Retain This Summary for Your Records. Please Contact Your Insurance Company and the Health Care Providers Listed on this Summary to Determine the Final Amount You May Be Obligated to Pay."

(b) For the purpose of calculating timeline requirements in this chapter in the event of multiple notices, a "consolidated summary of services" means the notice that first supplied the information required by paragraph (a) of this subsection if such information did not change in any subsequent notices.

(2) "Contested judgment" means a court judgment sought by one (1) party that is challenged by another party through a filing with the court or by presenting evidence or argument at a hearing before the court.



(3) (a) "Extraordinary collection action" means any of the following actions done in connection with a patient's debt:

(ai) Prior to sixty (60) days from the patient's receipt of the final statement notice before extraordinary collection action, selling, transferring, or assigning any amount of a patient's debt to any ~~third-party~~ third party, or otherwise authorizing any ~~third-party~~ third party to collect the debt in a name other than the name of the health care provider;

(bii) Reporting adverse information about the patient to a consumer reporting agency; or

(eiii) Commencing any judicial or legal action or filing or recording any document in relation thereto, including but not limited to:

~~(i)~~1. Placing a lien on a person's property or assets;

~~(ii)~~2. Attaching or seizing a person's bank account or any other personal property;

~~(iii)~~3. Initiating a civil action against any person; or

~~(iv)~~4. Garnishing an individual's wages.

(b) "Extraordinary collection action" does not include an action pursuant to and in compliance with section 28-22-105, Idaho Code.

(4) (a) "Final statement notice before extraordinary collection action" means a written notice that contains, at a minimum, the following:

(ai) The name and contact information, including telephone number, of the patient;

(bii) The name and contact information, including telephone number, of the health care facility where the health care provider provided goods and services to the patient;

(eiii) A list of the goods and services that the health care provider provided to the patient during the patient's visit to the health care facility, including the initial charges for the goods and services and the date the goods and services were provided, in reasonable detail;

(div) A statement that a full itemized list of goods and services provided to the patient is available upon the patient's request;

(ev) The name of the third-party payors to which the charges for health care services were submitted by the health care provider ~~and the patient's group and membership numbers;~~

(fvi) A detailed description of all reductions, adjustments, offsets, third-party payor payments, including payments already received from the patient, that adjust the initial charges for the goods and services provided to the patient during the visit; and

(gvii) The final amount that the patient is liable to pay after taking into account all applicable reductions, including but not limited to the items identified in subparagraph (fvi) of this subsection paragraph.

(b) For the purpose of calculating timeline requirements in this chapter in the event of multiple notices, the "final notice before extraordinary collection action" means the notice that first supplied the information required by paragraph (a) of this subsection if such information did not change in any subsequent notices.

(5) "Health care facility" means any person, entity, or institution operating a physical or virtual location that holds itself out to the public as providing health care services through itself, through its employees, or through third-party health care providers. Health care facilities include but are not limited to hospitals and other licensed inpatient centers; ambulatory surgical or treatment centers; skilled nursing centers; residential treatment centers; urgent care centers; diagnostic, laboratory, and imaging centers; and rehabilitation and other therapeutic health settings, as well as medical transportation providers.

(6) "Health care provider" means:

(a) A physician or other health care practitioner licensed, accredited, or certified to perform health care services consistent with state law, or any agent or third-party representative thereof; or

(b) A health care facility or its agent.

(7) "Health care services" means services for the diagnosis, prevention, treatment, cure, or relief of a health condition, illness, injury, or disease.

(8) "Patient" means a person who seeks or receives services from a health care provider. For the purposes of this chapter, "patient" includes a parent if the patient is a minor, a legal guardian if the patient is an adult under guardianship, or any person contractually or otherwise liable for the financial obligations of the person receiving goods or services from the health care provider.

(9) "Third-party payor" means a health carrier as defined in section 41-5903, Idaho Code, or a self-funded plan as defined in section 41-4002 or 41-4102, Idaho Code, and includes multiple third-party payors when applicable.

(10) "Uncontested judgment" means a court judgment sought by one (1) party that is not contested by another party by filing with the court or by presenting evidence or argument at a hearing before the court.

SECTION 2. That Section 48-304, Idaho Code, be, and the same is hereby amended to read as follows:

48-304. REQUIREMENTS FOR EXTRAORDINARY COLLECTION ACTION. (1) No person shall engage, directly or indirectly, in any extraordinary collection action against a patient unless:

(1a) A health care provider submits its charges related to the provision of goods or delivery of services to the third-party payor of the patient, identified by the patient to the health care provider in connection with the services or, in the event no third-party payor was identified, to the patient, which submission of charges in either case shall be within forty-five (45) days from the latest of:

(i) The date of the provision of goods or the delivery of services to the patient or from;

(ii) The date of discharge of the patient from a health care facility, whichever is later, a health care provider submits its charges related to the provision of goods or services to the third-party payor or payors of the patient, identified by the patient to the health care provider in connection with the services, if any, or, in the event no third-party payor was identified, to the patient; or

(iii) The first date permitted by the applicable billing code or codes and the applicable policies and procedures in connection with the patient's care in each case as published by the relevant national association;

(2b) The patient receives a consolidated summary of services, free of charge, from the health care facility that the patient visited, unless the health care facility is exempted from providing a consolidated summary of services pursuant to section 48-309, Idaho Code, within sixty

(60) days from the latest of:

(i) The date of the provision of goods or delivery of services to the patient or from the;

(ii) The date of discharge, whichever is later, of the patient receives from the health care facility that the patient visited, a consolidated summary of services, free of charge, unless the health care facility is exempted from providing a consolidated summary of services pursuant to section 48-309, Idaho Code; or

(iii) The first date permitted by the applicable billing code or codes and the applicable policies and procedures in connection with the patient's care in each case as published by the relevant national association.

(3c) The patient receives, free of charge, a final statement notice before extraordinary collection action from the billing entity of the health care provider;

(4d) The health care provider does not charge or cause to accrue any interest, fees, or other ancillary charges until at least sixty (60) days have passed from the date of receipt of the final statement notice before extraordinary collection action or the consolidated summary of services, whichever is received later by the patient; and

(5e) At least ninety (90) days have passed from receipt of the final statement notice before extraordinary collection action or the consolidated summary of services, whichever is received later by the patient, and final resolution of all internal reviews, good faith disputes, and appeals of any charges or third-party payor obligations or payments; provided, however, that the ninety (90) days required by this paragraph may be shortened to forty-five (45) days for an extraordinary collection action as defined in section 48-303(3) (a) (ii), Idaho Code, if at least thirty (30) days prior to such action, the patient receives written notice that the health care provider may take an extraordinary collection action as defined in section 48-303(3) (a) (ii), Idaho Code, and that, as a consequence of taking such action, the health care provider will be prohibited from taking any extraordinary collection action as defined in section 48-303(3) (a) (iii), Idaho Code.

(2) Any person taking an extraordinary collection action as defined in section 48-303(3) (a) (ii), Idaho Code, prior to ninety (90) days from the patient's receipt of the final notice before extraordinary collection action shall be prohibited from pursuing an extraordinary collection action as defined in section 48-303(3) (a) (iii), Idaho Code.

(3) No person shall engage, directly or indirectly, in any type of extraordinary collection action against a patient unless the final notice before extraordinary collection action includes both the name of the third-party payor to which the health care provider submitted charges related to the provision of goods or delivery of services to the patient and the patient's group number and last four (4) digits of the patient's membership number; provided, however, such requirement does not apply if the health care provider has submitted all charges in connection with the patient's care to the patient's correct third-party payor. Nothing in this subsection shall be construed to exempt a person from the requirements of subsection (1) of this section or section 48-306, Idaho Code.

SECTION 3. That Section 48-305, Idaho Code, be, and the same is hereby amended to read as follows:

48-305. FEES AND COSTS FOR EXTRAORDINARY COLLECTION ACTION. (1) Notwithstanding any provision of law or agreement to the contrary, a patient shall have no liability to any party taking extraordinary collection action for costs, expenses, and fees, including attorney's fees, unless the party has complied with section 48-304, Idaho Code, and then subject to the following limitations:

(a) In the case of an uncontested judgment against the patient, the court may award, in addition to the outstanding principal, up to three hundred fifty dollars (\$350) or an amount equal to one hundred percent (100%) of the outstanding principal amount, whichever is less, plus any prejudgment interest accrued in accordance with section 48-304(41) (d), Idaho Code, and any postjudgment interest awarded by the court;

(b) In the case of a contested judgment against the patient, the court may award, in addition to the outstanding principal, up to seven hundred fifty dollars (\$750) or an amount equal to one hundred percent (100%) of the outstanding principal amount, whichever is less, plus any prejudgment interest accrued in accordance with section 48-304(41)(d), Idaho Code, and any postjudgment interest awarded by the court;

(c) In the case of postjudgment motions and writs, the court may award up to seventy-five dollars (\$75.00) for any successful motion or application for a writ of attachment to any particular garnishee and twenty-five dollars (\$25.00) for any subsequent application for a writ to the same garnishee. In the case of garnishments, the court may also award service fees as prescribed by the applicable board of county commissioners pursuant to section 11-729, Idaho Code.

(2) In the case of a contested judgment, if a party taking extraordinary collection action against a patient prevails against a patient and incurs costs, expenses, and fees, including attorney's fees, that are grossly disproportionate to the award amounts set forth in subsection (1)(b) of this section, then the party may petition the court for a supplemental award for costs, expenses, and fees. Upon an affirmative showing that the incurred costs, expenses, and fees are grossly disproportionate to the award amounts set forth in subsection (1)(b) of this section, and that fees were incurred because of the patient's willful attempt to avoid paying a bona fide debt, then the court may take into account the factors outlined in rule 54(e)(3) of the Idaho rules of civil procedure and may, in its discretion, award supplemental costs, expenses, and reasonable attorney's fees.

(3) Notwithstanding any provision of law or agreement to the contrary, if a patient in a contested judgment is a prevailing party, then the patient shall be entitled to recover from a nonprevailing party all costs, expenses, and fees, including attorney's fees, incurred by the patient in contesting the action, and the patient shall have no liability to any nonprevailing parties for any costs, expenses, and fees, including attorney's fees and prejudgment interest incurred by a nonprevailing party.

SECTION 4. That Section 48-306, Idaho Code, be, and the same is hereby amended to read as follows:

48-306. EXTRAORDINARY COLLECTION AFTER UNTIMELY NOTICE -- LIMITATION. If a party is unable to engage in an extraordinary collection action because the health care provider or health care facility failed to meet the timing requirements of section 48-304(1)(a) or (2b), Idaho Code, but complies with such timing requirements within either an additional forty-five (45) days for failure to meet the timing requirements of section 48-304(1)(a), Idaho Code, or an additional ~~ninety (90)~~ one hundred eighty (180) days for failure to meet the timing requirements of section 48-304(21)(b), Idaho Code, then as long as all other requirements of section 48-304, Idaho Code, have been satisfied, such party may commence an extraordinary collection action. Notwithstanding any provision of law or agreement to the contrary, in any such collection action, the patient shall have no liability for costs, expenses, and fees, including attorney's fees.

SECTION 5. That Section 48-307, Idaho Code, be, and the same is hereby amended to read as follows:

48-307. BURDEN OF PROOF. Any person seeking to engage in an extraordinary collection action bears the burden of establishing that the requirements of sections 48-304 and 48-306, Idaho Code, if applicable, have been satisfied prior to engaging in any extraordinary collection action. Any party commencing a judicial action against a patient must plead with particularity its compliance with each requirement of sections 48-304 and 48-306, Idaho Code, as the case may be, and must specifically identify the name, group, and policy numbers of the third-party payor to which the health care provider submitted the charges in connection with the provision of goods or delivery of services, along with the date of each submission.

SECTION 6. That Section 48-308, Idaho Code, be, and the same is hereby amended to read as follows:

48-308. REBUTTABLE PRESUMPTION OF RECEIPT. A patient shall be presumed to have received a consolidated summary of services or a final statement notice before extraordinary collection action three (3) days after the document has been sent by first class mail to the patient's address confirmed by the patient during the patient's last visit to the health care provider or as updated by the patient in subsequent written or electronic communications. Nothing in this section shall be interpreted as precluding the patient from agreeing in writing to receive consolidated summaries of services or final statements notices before extraordinary collection action via email or other electronic means.

SECTION 7. That Section 48-309, Idaho Code, be, and the same is hereby amended to read as follows:

48-309. DELIVERY OF CONSOLIDATED SUMMARY OF SERVICES. Notwithstanding any provision of law to the contrary in this chapter, a health care facility is not required to send a consolidated summary of services to a patient prior to engaging in extraordinary collection action if:

- (1) The patient will receive a final statement notice before extraordinary collection action from a single billing entity for all goods and services provided to the patient at that health care facility;
- (2) The patient was clearly informed in writing of the name, phone number, and address of the billing entity; and
- (3) The health care facility otherwise complies with all other provisions of section 48-304, Idaho Code.

SECTION 8. That Section 48-310, Idaho Code, be, and the same is hereby amended to read as follows:

48-310. CONTRACTED SERVICE. Nothing in this chapter prohibits a health care facility from authorizing a health care provider by contract to provide the consolidated summary of services required by section 48-304 (21) (b), Idaho Code, on its behalf.

SECTION 9. That Chapter 3, Title 48, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 48-314, Idaho Code, and to read as follows:

48-314. SEVERABILITY. The provisions of this chapter are hereby declared to be severable, and if any provision of this chapter or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this chapter.

SECTION 10. That Chapter 3, Title 48, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 48-315, Idaho Code, and to read as follows:

48-315. LEGISLATIVE INTENT REGARDING APPLICABILITY. The legislature finds and affirms that the legislative intent of including the effective date of January 1, 2021, in the original enactment of this chapter by chapter 139, laws of 2020, was and is to apply the requirements of this chapter, including the limitations on costs, expenses, and fees, including attorney's fees, set forth in section 48-305, Idaho Code, on any and all extraordinary collection actions commenced on or after January 1, 2021, regardless of the date of the provision of goods or delivery of services to a patient.

SECTION 11. An emergency existing therefor, which emergency is hereby declared to exist, Sections 8 and 10 of this act shall be in full force and effect on and after passage and approval, and retroactively to January 1, 2021; and Sections 1 through 7 and Section 9 of this act shall be in full force and effect on and after the date of passage and approval and shall apply to all extraordinary collection actions commenced on and after such date.

Approved March 25, 2022

CHAPTER 264  
(H.B. No. 798)

AN ACT

RELATING TO SALARY-BASED APPORTIONMENT AND CLASSROOM TECHNOLOGY; AMENDING SECTION 33-1004E, IDAHO CODE, TO INCREASE THE BASE SALARY FOR ADMINISTRATORS AND FOR CLASSIFIED STAFF; CLARIFYING USES FOR CLASSROOM TECHNOLOGY FUNDS FOR FISCAL YEAR 2023; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 33-1004E, Idaho Code, be, and the same is hereby amended to read as follows:

33-1004E. DISTRICT'S SALARY-BASED APPORTIONMENT. Each district shall be entitled to a salary-based apportionment calculated as provided in this section.

(1) To determine the apportionment for instructional staff, take the amounts indicated on the career ladder table plus the amounts associated with the additional education allocation amounts pursuant to section 33-1004B, Idaho Code, and calculate the weighted average. The amount so determined shall be multiplied by the district staff allowance for instructional staff determined as provided in section 33-1004(2), Idaho Code. Full-time instructional staff salaries shall be determined from a salary schedule developed by each district and submitted to the state department of education. No full-time instructional staff member or pupil service staff member on the residency compensation rung shall be paid less than the minimum dollar amount on the career ladder residency compensation rung pursuant to section 33-1004B, Idaho Code, for the applicable fiscal year.

(2) Effective July 1, 2022, no full-time instructional staff member or pupil service staff member on the professional or advanced professional compensation rung shall be paid less than the minimum dollar amount on the career ladder professional compensation rung pursuant to section 33-1004B, Idaho Code, for the applicable fiscal year.

(3) Effective July 1, 2025, no full-time instructional staff member or pupil service staff member on the advanced professional compensation rung shall be paid less than the minimum dollar amount on the advanced professional compensation rung pursuant to section 33-1004B, Idaho Code, for the applicable fiscal year.

(4) If an instructional staff member has been certified by the national board for professional teaching standards, the staff member shall receive two thousand dollars (\$2,000) per year for five (5) years from the year in which national board certification was earned. The district staff allotment shall be increased by two thousand dollars (\$2,000) for each national board-certified instructional staff member who earned national board certification; provided however, that no such awards shall be paid for the period July 1, 2010, through June 30, 2011, nor shall any liabilities accrue or payments be made pursuant to this section in the future to any individuals who would have otherwise qualified for a payment during this stated time period. The resulting amount is the district's salary-based apportionment for instructional staff. For purposes of this section, teachers qualifying for the salary increase shall be those who have been recognized as national board-certified teachers as of July 1 of each year.

(5) To determine the apportionment for pupil service staff, take the amounts indicated on the career ladder table plus the amounts associated with the additional education allocation amounts pursuant to section 33-1004B, Idaho Code, and calculate the weighted average. If the district does not employ any pupil service staff, the district's pupil service staff average salary shall equal the district's instructional staff average salary for purposes of calculating pupil service salary-based apportionment. The amount so determined shall be multiplied by the district staff allowance for pupil service staff determined pursuant to section 33-1004(3), Idaho Code. Full-time pupil service staff salaries shall be determined from a salary schedule developed by each district and submitted to the state department of education. The resulting amount is the district's salary-based apportionment for pupil service staff. No full-time pupil service staff member shall be paid less than the minimum dollar amount on the career ladder residency compensation rung pursuant to section 33-1004B, Idaho Code, for the applicable fiscal year.

(6) To determine the apportionment for district administrative staff, first determine the district average experience and education index by placing all eligible certificated administrative employees on the statewide index provided in section 33-1004A, Idaho Code. The resulting average is the district index. If the district does not employ any administrative staff, the district administrative index shall equal the statewide average index for purposes of calculating administrative salary-based apportionment. The On and after July 1, 2022, the district administrative staff index shall be multiplied by the base salary of ~~thirty-eight thousand seven hundred seventy-seven dollars (\$38,777)~~ forty-one thousand four hundred ninety-one dollars (\$41,491). The amount so determined shall be multiplied by the district staff allowance for administrative staff determined as provided in section 33-1004(4), Idaho Code. The resulting amount is the district's salary-based apportionment for administrative staff.

(7) Fe On and after July 1, 2022, to determine the apportionment for classified staff, multiply ~~twenty-three thousand two hundred sixteen dollars (\$23,216)~~ twenty-four thousand eight hundred forty-one dollars (\$24,841) by the district classified staff allowance determined as provided in section 33-1004(5), Idaho Code. The amount so determined is the district's apportionment for classified staff.

(8) The district's salary-based apportionment shall be the sum of the apportionments calculated in subsections (1), (4), (5), (6) and (7) of this section, plus the benefit apportionment as provided in section 33-1004F, Idaho Code.

SECTION 2. CLASSROOM TECHNOLOGY. Notwithstanding the provisions of Section 7 of House Bill 797, as enacted by the Second Regular Session of the Sixty-sixth Idaho Legislature, and any other provision of law to the contrary, of the moneys appropriated in Section 1 of said bill, \$26,500,000 from the Public School Income Fund shall be distributed for classroom technology, classroom technology infrastructure, wireless technology infrastructure, and learning management systems that assist teachers and students in effective and efficient instruction or learning. Funding shall be distributed based on a formula prescribed by the State Department of Education. Moneys so distributed shall be used to implement and operate a learning management system of each school district's or public charter school's choice. A learning management system shall include integration with a school district's or public charter school's Student Information System (SIS) and shall administer, monitor, and document student and classroom levels of learning. The State Department of Education shall verify that school districts and public charter schools are using funds to purchase a learning management system that is compliant with these standards.

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

Approved March 25, 2022

CHAPTER 265  
(H.B. No. 799)

AN ACT

RELATING TO THE APPROPRIATION TO THE DIVISION OF CAREER TECHNICAL EDUCATION; APPROPRIATING MONEYS TO THE DIVISION OF CAREER TECHNICAL EDUCATION FOR FISCAL YEAR 2023; EXEMPTING THE APPROPRIATION FROM OBJECT TRANSFER LIMITATIONS FOR POSTSECONDARY PROGRAMS; REDUCING THE APPROPRIATION TO THE DIVISION OF CAREER TECHNICAL EDUCATION FOR FISCAL YEAR 2022; APPROPRIATING ADDITIONAL MONEYS TO THE DIVISION OF CAREER TECHNICAL EDUCATION FOR FISCAL YEAR 2022; PROVIDING GENERAL FUND REAPPROPRIATION AUTHORITY; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Division of Career Technical Education the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2022, through June 30, 2023:



	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
<b>I. CTE ADMINISTRATION:</b>					
FROM:					
General					
Fund	\$1,939,600	\$362,200			\$2,301,800
Federal Grant					
Fund	<u>0</u>	<u>20,000</u>			<u>20,000</u>
TOTAL	\$1,939,600	\$382,200			\$2,321,800
<b>II. SECONDARY AND GENERAL PROGRAMS:</b>					
FROM:					
General					
Fund	\$1,023,300	\$239,200		\$14,901,300	\$16,163,800
Miscellaneous Revenue					
Fund		25,000			25,000
American Rescue Plan					
Fund			\$3,600		3,600
Federal Grant					
Fund	<u>722,800</u>	<u>277,800</u>	<u>0</u>	<u>2,985,400</u>	<u>3,986,000</u>
TOTAL	\$1,746,100	\$542,000	\$3,600	\$17,886,700	\$20,178,400
<b>III. POSTSECONDARY PROGRAMS:</b>					
FROM:					
General					
Fund	\$45,517,800	\$5,134,600	\$107,700		\$50,760,100
Federal Grant					
Fund	<u>0</u>	<u>0</u>	<u>0</u>	<u>\$2,685,500</u>	<u>2,685,500</u>
TOTAL	\$45,517,800	\$5,134,600	\$107,700	\$2,685,500	\$53,445,600
<b>IV. EDUCATOR SERVICES PROGRAM:</b>					
FROM:					
General					
Fund	\$294,900	\$234,100		\$702,500	\$1,231,500
Miscellaneous Revenue					
Fund	<u>0</u>	<u>275,000</u>		<u>0</u>	<u>275,000</u>
TOTAL	\$294,900	\$509,100		\$702,500	\$1,506,500
<b>V. RELATED PROGRAMS:</b>					
FROM:					
General					
Fund	\$503,500	\$141,300		\$2,090,000	\$2,734,800
Displaced Homemaker					
Fund				170,000	170,000

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
<b>Hazardous Materials/Waste Enforcement</b>					
Fund				67,800	67,800
<b>Miscellaneous Revenue</b>					
Fund		15,000			15,000
<b>Federal Grant</b>					
Fund	<u>311,900</u>	<u>74,800</u>		<u>3,412,000</u>	<u>3,798,700</u>
TOTAL	\$815,400	\$231,100		\$5,739,800	\$6,786,300
GRAND TOTAL	\$50,313,800	\$6,799,000	\$111,300	\$27,014,500	\$84,238,600

SECTION 2. EXEMPTIONS FROM OBJECT TRANSFER LIMITATIONS. Postsecondary Programs within the Division of Career Technical Education are 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, 2022, through June 30, 2023. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

SECTION 3. Notwithstanding any other provision of law to the contrary, the appropriation made to the Division of Career Technical Education in Section 1, Chapter 130, Laws of 2021, is hereby reduced in the following amounts according to the designated programs and expense classes from the listed funds for the period July 1, 2021, through June 30, 2022:

	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
<b>I. SECONDARY AND GENERAL PROGRAMS:</b>			
FROM:			
Federal Grant Fund	\$52,000	\$1,005,200	\$1,057,200
<b>II. EDUCATOR SERVICES PROGRAM:</b>			
FROM:			
Federal Grant Fund	\$25,500		\$25,500
<b>III. RELATED PROGRAMS:</b>			
FROM:			
General Fund	\$50,000		\$50,000
Federal Grant Fund	<u>48,000</u>		<u>48,000</u>
TOTAL	\$98,000		\$98,000
GRAND TOTAL	\$175,500	\$1,005,200	\$1,180,700

SECTION 4. In addition to the appropriation made in Section 1, Chapter 130, Laws of 2021, and any other appropriation provided by law, there is hereby appropriated to the Division of Career Technical Education the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2021, through June 30, 2022:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
<b>I. CTE ADMINISTRATION:</b>				
FROM:				
General Fund		\$1,500,000		\$1,500,000
<b>II. SECONDARY AND GENERAL PROGRAMS:</b>				
FROM:				
General Fund			\$4,500,000	\$4,500,000
Federal Grant Fund	\$52,000		0	52,000
TOTAL	\$52,000		\$4,500,000	\$4,552,000
<b>III. POSTSECONDARY PROGRAMS:</b>				
FROM:				
General Fund			\$4,000,000	\$4,000,000
Federal Grant Fund			900,000	900,000
TOTAL			\$4,900,000	\$4,900,000
<b>IV. EDUCATOR SERVICES PROGRAM:</b>				
FROM:				
Federal Grant Fund	\$25,500			\$25,500
<b>V. RELATED PROGRAMS:</b>				
FROM:				
General Fund	\$50,000			\$50,000
Federal Grant Fund	48,000		\$105,200	153,200
TOTAL	\$98,000		\$105,200	\$203,200
GRAND TOTAL	\$175,500	\$1,500,000	\$9,505,200	\$11,180,700

SECTION 5. GENERAL FUND REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Division of Career Technical Education the unexpended and unencumbered balances appropriated to the Division of Career Technical Education from the General Fund for program expansion and support in fiscal year 2022, in an amount not exceed \$10,000,000 from the General Fund, to be used for nonrecurring expenditures for the period July 1, 2022, through June 30, 2023. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

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

Approved March 25, 2022

CHAPTER 266  
(H.B. No. 805)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF TEACHERS; APPROPRIATING ADDITIONAL MONEYS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF TEACHERS FOR FISCAL YEAR 2023; APPROPRIATING GENERAL FUND MONEYS FOR TRANSFER TO THE PUBLIC SCHOOLS INCOME FUND FOR FISCAL YEAR 2023; CLARIFYING THE ORIGINAL FUND SOURCE FOR EXPENDITURES TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF TEACHERS FOR FISCAL YEAR 2023; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the Public Schools Educational Support Program for the Division of Teachers \$2,086,500 from the Public School Income Fund for the period July 1, 2022, through June 30, 2023.

SECTION 2. There is hereby appropriated and the Office of the State Controller shall transfer \$2,086,500 from the General Fund to the Public School Income Fund on July 1, 2022, or as soon thereafter as practicable for the period July 1, 2022, through June 30, 2023.

SECTION 3. Of the additional amounts appropriated in Section 1 of this act for the Public Schools Educational Support Program's Division of Teachers, \$2,086,500 shall be considered expended from the General Fund for the period July 1, 2022, through June 30, 2023.

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 25, 2022

CHAPTER 267  
(H.B. No. 748)

AN ACT

RELATING TO REAL PROPERTY; AMENDING CHAPTER 6, TITLE 55, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 55-616, IDAHO CODE, TO PROVIDE THAT CERTAIN APPURTENANT WATER RIGHTS AND WATER ENTITLEMENTS AND OBLIGATIONS SHALL PASS WITH THE TRANSFER OF REAL PROPERTY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 6, Title 55, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 55-616, Idaho Code, and to read as follows:

55-616. APPURTENANT WATER RIGHTS AND WATER ENTITLEMENTS AND OBLIGATIONS PASS WITH PROPERTY. (1) A transfer of real property passes appurtenant water rights decreed by court order pursuant to chapter 14, title 42, Idaho Code, permitted or licensed by the department of water resources pursuant to chapter 2, title 42, Idaho Code, or established by the constitutional method of appropriation, and that are owned by the seller and are not reserved by the seller in the instrument of conveyance.

(2) A transfer of real property included in an irrigation district that operates pursuant to title 43, Idaho Code, to which the district has apportioned the right to receive water from the district's water rights, passes the statutory rights and obligations of the property relative to the district's distribution of water and assessments.

(3) A transfer of real property included in a city irrigation system that operates pursuant to chapter 18, title 50, Idaho Code, to which the city has apportioned the right to receive water from the city's water rights, passes the statutory rights and obligations of the property relative to the distribution of water and assessments.

(4) A transfer of real property included in a ground water district that operates pursuant to chapter 52, title 42, Idaho Code, to which the district has levied assessments or apportioned mitigation plan obligations, passes the statutory rights and obligations of the property relative to such assessments and obligations.

(5) A transfer of real property that is entitled to receive water from the water rights of a canal company, ditch company, association, or other water delivery entity, passes the rights and obligations of the property relative to the entity's distribution of water and assessments as evidenced by stock ownership, or other evidence of an entitlement to receive water, subject to the bylaws of the water delivery entity.

(6) A transfer of real property does not pass water rights or water entitlements and obligations that are not appurtenant to the real property.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 25, 2022

CHAPTER 268  
(H.B. No. 509)

AN ACT

RELATING TO TAXATION; AMENDING SECTION 63-3024A, IDAHO CODE, TO REVISE PROVISIONS REGARDING FOOD TAX CREDITS AND REFUNDS; AMENDING SECTION 57-811, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE TAX RELIEF FUND; AND DECLARING AN EMERGENCY.

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 the taxpayer, the taxpayer's spouse, and each dependent, as defined in section 152 of the Internal Revenue Code, claimed on the taxpayer's Idaho income tax return, and awarded by the court under section 32-706, Idaho Code, if applicable. For tax years ~~2015 and after~~ 2022, the credit is one hundred dollars (\$100). For tax years 2023 and after, the credit is one hundred twenty dollars (\$120). 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~~ only 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.

SECTION 2. That Section 57-811, Idaho Code, be, and the same is hereby amended to read as follows:

57-811. TAX RELIEF FUND. (1) There is hereby created in the state treasury the tax relief fund to which shall be credited all moneys remitted from sections 63-3620F and 63-3638, Idaho Code, from federal grants, donations, or any other source. Moneys in the fund are intended to fund future tax relief statutes enacted by the legislature and may be expended pursuant to appropriation. All interest earned on the investment of idle moneys in the fund shall be returned to the fund.

(2) On July 15, 2021, the state controller shall transfer one hundred eighty million dollars (\$180,000,000) from the tax relief fund to the 2021 Idaho tax rebate fund.

(3) For fiscal year 2022 and each fiscal year thereafter, the state controller shall transfer one hundred ten million dollars (\$110,000,000) from the tax relief fund to the general fund.

(4) In addition to any other transfers authorized under this section, for fiscal year 2024 and each fiscal year thereafter, the state controller shall transfer up to thirty-two million dollars (\$32,000,000) from the tax relief fund to the general fund.

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

Approved March 25, 2022

CHAPTER 269  
(H.B. No. 702)

AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-111, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE AMOUNT TO BE TRANSFERRED ANNUALLY TO THE EXPENDABLE BIG GAME DEPREDATION FUND; AMENDING SECTION 36-115, IDAHO CODE, TO REVISE PROVISIONS REGARDING PAYMENTS FOR APPROVED CLAIMS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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) Fifty percent (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) Three dollars and fifty cents (\$3.50) 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 (\$1.75) of each three dollars and fifty cents (\$3.50) 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 seven~~ five hundred fifty thousand dollars (\$50750,000) 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 2. 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 two million five hundred thousand dollars (\$2,500,000), shall be transferred to the 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 36-111, Idaho Code. Transferred funds to the set-aside account shall be spent pursuant to the respective appropriation for the set-aside 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 total payment amount to any person for approved claims in the aggregate in a fiscal year, including any payment to any pass-through entity as defined in chapter 30, title 63, Idaho Code, from which the person receives income, and to any household member, shall not exceed ~~ten percent (10%) of the original expendable big game depredation fund appropriation for the fiscal year~~ one hundred twenty-five thousand dollars (\$125,000).

(C) 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.

(D) 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 seven hundred fifty dollars (\$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 seven hundred fifty dollar (\$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 seven hundred fifty dollar (\$750) 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 total payment amount to any person for approved claims in the aggregate in a fiscal year, including any payment to any pass-through entity as defined in chapter 30, title 63, Idaho Code, from which the person receives income, and to any household member, shall not exceed ten percent (10%) of the original expendable big game depredation fund appropriation for the fiscal year.

(C) 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.

(D) 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 seven hundred fifty dollars (\$750) 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 expendable 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 seven hundred fifty dollars (\$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 fifty percent (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 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 25, 2022

CHAPTER 270  
(H.B. No. 672)

AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-1401, IDAHO CODE, TO REVISE PROVISIONS REGARDING VIOLATIONS, TO PROVIDE FOR CERTAIN REPORTING, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 36-1402, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 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 or 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 a prohibited motor attached in waters where motors are prohibited or watercraft.~~

(B) Fish for sturgeon without a sliding sinker or lighter test terminal line to the sinker.

(C) Fish with hooks larger than allowed in that water.

(D) Fish with barbed hooks in waters where prohibited.

(E) Exceed any established bag limit for fish by one (1) fish, except bag limits for sturgeon and anadromous fish, landlocked chinook salmon, kamloops rainbow trout, lake trout, or bull trout salmon and steelhead, where the bag limit is at least one (1) fish.

(F) Fish with more than the approved number of lines, or hooks, hook points, or crawfish traps.

(G) Fish with bait where prohibited or fish in waters designated as fly fishing only with fishing gear other than fly rod, fly reel, fly line, or artificial flies.

(H) Fish with two (2) poles without a two (2) pole permit, except ice fishing.

(I) Fail to leave head and/or tail on fish while fish are in possession or being transported.

(J) Snag or hook fish other than in the head and fail to release, excluding anadromous fish.

(HK) Fail to attend fishing line and keep it under surveillance at all times.

(IL) Fail to comply with requirements for mandatory check and report requirements for big game, furbearer, or migratory birds; or animal part presentation; or the requirement for unsuccessful moose, mountain goat, bighorn sheep, and grizzly bear hunters to return unused tags.

(JM) Fail to leave evidence of sex or species attached as required on game birds or game animals.

(KN) ~~Hunt or take~~ Fail to comply with shot size or nontoxic shot restrictions for migratory game birds, ~~or upland game birds with shot exceeding the allowable size,~~ or upland game animals.

(LO) Fail to release, report or turn in nontarget trapped animals.

(MP) Fail to complete required report on trapped furbearer.

~~(N) Fail to present required furbearer animal parts for inspection.~~

(OO) Fail to attach identification tags to traps.

(PR) Possess not more than one (1) undersized bass game fish outside of established length requirements.

(QS) Park or camp in a restricted area, except length-of-stay violations.

(RT) ~~Fail to leave evidence of sex attached as required on game animals~~ validate upland game permit for department-stocked birds.

(SU) Fail to purchase a sharp-tailed grouse hunting permit when hunting for sharp-tailed grouse anywhere within the state, except licensed shooting preserves.

(TV) Fail to wear at least thirty-six (36) square inches of visible hunter orange above the waist when hunting locations where pheasants are stocked and the commission requires an upland game bird permit.

(UW) Fail to comply with upland game bird, upland game animal, migratory game bird, or crow shooting hours ~~restrictions established by commission rule or proclamation.~~

(VX) 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~~ not authorized by rule or permit;

(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 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 more than fifteen (15) people;
- (ix) Use or transport any hay, straw or mulch that is not weed seed-free certified;
- (x) Have a dog at large or off leash where restricted;
- (xi) Use any form of fireworks;
- (xii) Place beehives or bee boards;
- (xiii) Where value of property damage is less than one thousand dollars (\$1,000), disturb or remove soil, gravel, or minerals or allow livestock to graze or train except riding and pack animals, or cut, dig, or remove crops, trees, shrubs, grasses, forbs, logs, or fuel wood.

~~(WY) 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) Fail to comply with requirements for accompanying a mentored or disabled hunter or for carrying written designation for assisting a disabled hunter.~~

(Z) Continue to fish on Henry's lake after reaching daily bag limit during the fishing take season.

(b) Misdemeanors. Any person who pleads guilty to, is found guilty of, 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 of, 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 wildlife within a twelve (12) month period having 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.

(d) The director shall update the house resources and conservation committee and the senate resources and environment committee during each legislative session concerning new rules and proclamations containing penalties.

SECTION 2. That Section 36-1402, Idaho Code, be, and the same is hereby amended to read as follows:

36-1402. PENALTY -- INFRACTION -- MISDEMEANOR -- FELONY -- REVOCATION OF LICENSE -- DISPOSITION OF MONEYS. (a) Infraction Penalty. Except as provided for in subsection (b) of this section, any person who pleads guilty to or is found guilty of an infraction of this code, or rules or proclamations promulgated pursuant thereto, shall be subject to a fine of seventy-two dollars (\$72.00).

(b) A violation of section 36-1401(a)1.(K) through (L) or (a)2.(SU) through (XY), Idaho Code, shall constitute an infraction subject to a fine of two hundred fifty dollars (\$250).

(c) Misdemeanor Penalty. Any person entering a plea of guilty for, found guilty of or convicted of a misdemeanor under the provisions of this title or rules or proclamations promulgated pursuant thereto shall, except in cases where a higher penalty is prescribed, be fined in a sum of not less than twenty-five dollars (\$25.00) nor more than one thousand dollars (\$1,000) and/or by commitment to jail for not more than six (6) months. The minimum fine, per animal, fish or bird, for the illegal taking, illegal possession or the illegal waste of the following animals, fish or birds shall be as indicated below:

Animal, Fish or Bird	Minimum Fine
Bighorn sheep, mountain goat and moose	\$500
Elk	\$300
Any other big game animal	\$200
Wild turkey, swan and sturgeon	\$200
Chinook salmon, wild steelhead and bull trout	\$100
Any other game bird, game fish or furbearer	\$ 25

(d) Felony Penalty. Any person entering a plea of guilty for, found guilty of or convicted of a felony under the provisions of this title shall be punished in accordance with section 18-112, Idaho Code. Provided further, that the judge hearing the case shall forthwith revoke for life, the hunting, fishing or trapping license and privileges of any person who, within a five (5) year period, pleads guilty to, is found guilty of or is convicted of three (3) or more felony violations of the provisions of this title.

(e) License Revocation. Any person entering a plea of guilty or being found guilty or convicted of violating any of the provisions of this title, or who otherwise fails to comply with the requirements of a citation in connection with any such offense, may, in addition to any other penalty assessed by the court, have his hunting, fishing, or trapping privileges revoked for such period of time as may be determined by the court not to exceed three (3) years, except that violations classified as felonies under section 36-1401, Idaho Code, or as flagrant violations as defined in subsection (f) of this section, shall authorize the court to impose license revocations for periods of time up to and including life, with said period beginning on the date of conviction, finding of guilt or the entry of the plea of guilty. Provided further, that the magistrate hearing the case shall forthwith revoke the hunting, fishing, or trapping privileges for a period of not less than one (1) year for any of the following offenses:

1. Taking or possessing upland game birds, migratory waterfowl, salmon, steelhead, sturgeon, or any big game animal during closed season.
2. Exceeding the daily bag or possession limit of upland game birds, migratory waterfowl or big game animals.
3. Taking any fish by unlawful methods as set forth in section 36-902(a) or (c), Idaho Code.
4. Unlawfully purchasing, possessing or using any license, tag or permit as set forth in section 36-405(c), Idaho Code.
5. Violating section 36-1603, Idaho Code.



6. The unlawful release of any species of live fish into any public body of water in the state. For purposes of this paragraph, an "unlawful release of any species of live fish" 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.

Provided further, that the magistrate hearing the case of a first-time hunting violation offender under the age of twenty-one (21) years may require that the offender attend a remedial hunter education course at the offender's expense. Upon successful completion of the course, the remainder of the revocation period shall be subject to a withheld judgment as long as the offender is not convicted of any additional hunting violations during the period. The cost of the course shall be seventy-five dollars (\$75.00) to be paid to the department. The commission shall establish by rule the curriculum of the hunter education remedial course.

The revocation shall consist of cancellation of an existing license for the required length of time and/or denial of the privilege of purchasing an applicable license for the length of time required to meet the revocation period decreed. In the case of persons pleading guilty, convicted or found guilty of committing multiple offenses, the revocation periods may run consecutively. In the case of pleas of guilty, convictions or findings of guilt involving taking big game animals during closed season or exceeding the daily bag or possession limit of big game, the magistrate hearing the case shall revoke the hunting, fishing or trapping privileges of any person convicted or found guilty of those offenses for a period of not less than one (1) year for each big game animal illegally taken or possessed by the person convicted or found guilty.

It shall be a misdemeanor for any person to hunt, fish, or trap or purchase a license to do so during the period of time for which such privilege is revoked.

For the purpose of this title, the term "conviction" shall mean either a withheld judgment or a final conviction.

(f) Flagrant Violations. In addition to any other penalties assessed by the court, the magistrate hearing the case shall forthwith revoke the hunting, fishing or trapping privileges for a period of not less than one (1) year and may revoke the privileges for a period up to and including the person's lifetime, for any person who enters a plea of guilty, who is found guilty, or who is convicted of any of the following flagrant violations:

1. Taking a big game animal after sunset by spotlighting, with use of artificial light, or with a night vision enhancement device.
2. Unlawfully taking two (2) or more big game animals within a twelve (12) month period.
3. Taking a big game animal with a rimfire or centerfire cartridge firearm during an archery or muzzleloader only hunt.
4. Hunting, fishing, trapping or purchasing a license when license privileges have been revoked pursuant to this section or section 36-1501, Idaho Code.
5. Taking any big game animal during a closed season.
6. Any felony violation provided in section 36-1401, Idaho Code.

(g) For purposes of the wildlife violator compact, section 36-2301, Idaho Code, et seq., the department shall:

1. Suspend a violator's license for failure to comply with the terms of a citation from a party state. A copy of a report of failure to comply from the licensing authority of the issuing state shall be conclusive evidence.

2. Revoke a violator's license for a conviction in a party state. A report of conviction from the licensing authority of the issuing state shall be conclusive evidence.

(h) Disposition of Fines and Forfeitures. Distribution of fines and forfeitures remitted shall be in accordance with section 19-4705, Idaho Code.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 25, 2022

CHAPTER 271  
(H.B. No. 642)

AN ACT

RELATING TO SOIL CONSERVATION DISTRICTS; AMENDING SECTION 22-2717, IDAHO CODE, TO REMOVE A DEFINITION; AMENDING SECTION 22-2718, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE SOIL AND WATER CONSERVATION COMMISSION; REPEALING SECTION 22-2719, IDAHO CODE, RELATING TO THE CREATION OF SOIL CONSERVATION DISTRICTS; AMENDING SECTION 22-2721, IDAHO CODE, TO REVISE PROVISIONS REGARDING SUPERVISORS; AMENDING SECTION 22-2726, IDAHO CODE, TO REMOVE A CODE REFERENCE; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 22-2717, Idaho Code, be, and the same is hereby amended to read as follows:

22-2717. DEFINITIONS. Whenever used or referred to in this chapter, unless a different meaning clearly appears from the context:

(1) "Administrator" means the administrator for the Idaho state soil and water conservation commission.

(2) "Agency" includes the government of this state and any subdivision, agency, or instrumentality, corporate or otherwise, of the government of this state.

(3) "Agricultural pollution abatement plan" or "ag plan" means the document developed by the state soil and water conservation commission and approved by the commission and the department of environmental quality, that provides appropriate technical, programmatic, informational and educational processes, guidelines and policies for addressing agricultural pollution.

(4) "Best management practices" or "BMPs" means practices, techniques, or measures developed or identified by the designated agency and identified in the state water quality management plan which are determined to be a cost-effective and practicable means of preventing or reducing pollutants generated from nonpoint sources to a level compatible with water quality goals.

(5) "Commission" or "state soil and water conservation commission" means the agency created in section 22-2718, Idaho Code.

(6) "Conservation plan" means a description of identified natural resource issues and a specific schedule of implementation of component practices necessary to resolve those specific resource issues as agreed upon by the landowner.

(7) "Designated agency" is as defined in section 39-3602, Idaho Code.

(8) "District," "conservation district," "soil conservation district," or "soil and water conservation district" means a governmental subdivision(s) of this state, and a public body corporate and politic, organized in accordance with the provisions of this chapter, for the purposes, with the powers and subject to the restrictions hereinafter set forth.

(9) "Due notice" means notice published at least twice, with an interval of at least seven (7) days between the two (2) publication dates, in a newspaper or other publication of general circulation within the appropriate area, or if no such publication of general circulation be available, by posting at a reasonable number of conspicuous places within the appropriate area, such posting to include, where possible, posting at public places where it may be customary to post notices concerning county or municipal affairs generally. At any hearing held pursuant to such notice, at the time and place designated in such notice, adjournment may be made from time to time without the necessity of renewing such notice for such adjournment dates.

(10) "Eligible applicant" means an individual agricultural owner, operator, partnership, corporation, conservation district, irrigation district, canal company or other agricultural or grazing interest.

(11) "Government" or "governmental" includes the government of this state, the government of the United States, and any subdivisions, agency, or instrumentality, corporate or otherwise, of either of them.

(12) "Idaho OnePlan" means a computer-based system for improving efficiency and effectiveness of natural resource planning by landowners and land users.

(13) "Landowner" or "owner" includes any person, firm, or corporation who shall hold title to any lands lying within a district organized under the provisions of this chapter. A buyer on contract, who is the occupier of land, shall be construed as landowner.

(14) "Land user" means any entity with a lease, permit or similar business agreement with a landowner to implement, manage or utilize such land for activities related to use of the land.

(15) "Natural resources conservation service" or "NRCS" means the agency governed by the provisions of 16 U.S.C. sections 590a through 590d and 590f.

(16) "Nominating petition" means a petition filed under the provisions of section 22-2721, Idaho Code, to nominate candidates for the office of supervisor of a soil conservation district.

(17) "Participant" means an individual agricultural owner, operator, partnership, private corporation, conservation district, irrigation district, canal company, or other agricultural or grazing interest approved by the commission or an individual agricultural owner, operator, partnership, or private corporation approved for implementation of conservation improvements, projects, or the water quality program for agriculture.

~~(18) "Petition" means a petition filed under the provisions of subsection (1) of section 22-2719, Idaho Code, for the creation of a district.~~

~~(19) "Project sponsor" means a conservation district, irrigation district, canal company, or other agricultural or grazing interest, as determined appropriate by the commission, that enters into a conservation improvement or water quality project agreement with the commission.~~

~~(20) "Qualified elector" means any person who is qualified to vote pursuant to the requirements of section 34-104, Idaho Code.~~

~~(21) "Riparian land" means the beds of streams, the adjacent vegetation communities and the land thereunder, which are predominately influenced by their association with water and are privately owned.~~

(221) "Specifications" means the materials, operations and procedures necessary to obtain the desired standards of construction and installation.

(232) "Standards" means the minimum limits of technical excellence of a component practice for its planning, design and construction.

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

(254) "Supervisor" means one (1) of the members of the governing body of a district elected or appointed in accordance with the provisions of this chapter.

(265) "Total maximum daily load" is as defined in section 39-3602, Idaho Code.

(276) "United States" or "agencies of the United States" includes the United States of America, the natural resources conservation service of the United States department of agriculture, and any other agency or instrumentality, corporate or otherwise, of the United States of America.

SECTION 2. 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.~~

(a) The commission shall consist of seven (7) members appointed by the governor from divisions of the Idaho association of soil conservation districts as follows: one (1) member from division I, one (1) member from division II, one (1) member from division III, one (1) member from division IV, one (1) member from division V, one (1) member from division VI, and one (1) at-large member appointed at the governor's discretion.

(b) Commission members shall be chosen with due regard to their demonstrated expertise, including knowledge of conservation districts and their functions, knowledge of production agriculture, knowledge of banking or other similar financial experience, or experience as a county commissioner.

(c) Commissioners serving on July 1, 2022, will be assigned to the divisions that they would represent. On July 1, 2022, current commissioners, at the will of the governor, will be reappointed to the position representing the divisions in which they live.

(d) For divisions that have vacant positions, or divisions with no current commissioner residing there, the division shall submit a list of up to three (3) names for each open commission position. The governor shall appoint commission seats from the list submitted.

(e) The term of each commissioner shall be for five (5) years, with the ability to serve two (2) terms; except that on July 1, 2022, the terms of each commission position will be reset: The term of the commissioners from districts I and IV will be set for two (2) years. The term of the commissioners from districts II and V will be set for three (3) years. The term of the commissioners from districts III and VI and the at-large commissioner will be set for four (4) years. From and after the initial appointment or reappointment, commissioners may serve two (2) full terms of five (5) years, in addition to their initial appointment. From and after the initial appointment, the corresponding division shall provide the list of three (3) names to the governor to choose from on or before July 1 of each year with a vacancy.

(f) Each vacancy on the commission shall be filled by appointment by the governor following the guidelines set forth in this subsection. A vacancy that occurs in an unexpired term shall also be filled for its remainder by the governor's appointment following the guidelines set forth in this subsection. Each commissioner appointed to fill an unexpired term may serve the length of the unexpired term and be eligible to be reappointed for an additional two (2) full terms.

(g) All 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, the dean of the university of Idaho college of agricultural and life sciences or his designated representative, or any other person or entities 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 a 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 3. That Section 22-2719, Idaho Code, be, and the same is hereby repealed.

SECTION 4. That Section 22-2721, Idaho Code, be, and the same is hereby amended to read as follows:

22-2721. ELECTION, APPOINTMENT, QUALIFICATIONS AND TENURE OF SUPERVISORS. (1) The governing body of the district shall consist of five (5) supervisors, elected or appointed as provided in this chapter. Elections shall be conducted pursuant to the provisions of this section and the uniform district election law, chapter 14, title 34, Idaho Code. If at any time the supervisors of a district deem it necessary, upon majority vote of the district board, they may request permission from the state soil and water conservation commission to increase the number of supervisors to seven (7). ~~Upon receipt of such a request in writing, signed by all five (5) supervisors, stating a valid reason for such need, the commission shall grant permission. The~~ or decrease the number of supervisors to five (5). If increased, the additional supervisors shall then be appointed as outlined in this section until such time as regular district elections for two (2) supervisors in each district. At that time those districts having seven (7) supervisors shall then elect four (4) supervisors for four (4) year terms. The two (2) supervisors appointed by the district shall be persons who are by training and experience qualified to perform the specialized services which will be required of them in the performance of their duties. All supervisors shall be landowners or farmers of the district where they are elected or appointed and shall be registered to vote in the state of Idaho.

(2) Within thirty (30) days after the date of issuance by the secretary of state of a certificate of organization of a soil conservation district, nominating petitions may be filed with the state soil and water conservation commission to nominate candidates for supervisors of each district. The county clerk shall conduct the election for the district in compliance with chapter 14, title 34, Idaho Code, and shall be the election official for the district. The election official shall have authority to extend the time within which nominating petitions may be filed. Nominating petitions shall be filed with the secretary of the district, and no such nominating petition shall be accepted by the election official unless it shall be subscribed

by not less than five (5) persons who are qualified electors owning land or residing within the boundaries of the district. The election official shall give due notice of an election to be held, subject to the provisions of section 34-106, Idaho Code, for the election of three (3) supervisors for the district. The names of all nominees on behalf of whom such nominating petitions have been filed within the time herein designated shall appear upon ballots, with directions to choose three (3) names to indicate the voter's preference. The three (3) candidates who shall receive the largest number, respectively, of the votes cast in such election shall be the elected supervisors for such district.

(3) All elections in districts shall be conducted by the county clerk. Such election shall be held on the first Tuesday succeeding the first Monday of November in each even-numbered year. Such elections shall be in compliance with the provisions of chapter 14, title 34, Idaho Code, and shall be supervised and conducted by the county clerk. The cost of conducting such elections shall be borne by the county that conducted the election. The county clerk shall certify to the soil and water conservation district the names of the elected supervisors. The soil and water conservation district shall issue certificates of election to each elected supervisor so certified. The county clerk or county clerks of the county or counties in which the district is located shall conduct the election for the soil conservation district, and the county clerk must provide a ballot for the district election and must provide a process that allows only qualified electors of the district to vote in that district's election.

(4) In any election for supervisor, if after the deadline for filing a declaration of intent as a write-in candidate, it appears that the number of qualified candidates who have been nominated is equal to the number of supervisors to be elected, it shall not be necessary for the candidates to stand for election, and the board of supervisors shall declare such candidates elected as supervisors, and the soil and water conservation district shall immediately make and deliver to such persons certificates of election.

(5) The supervisors shall designate a chairman and may, from time to time, change such designation. The term of office of each supervisor shall be four (4) years commencing on the first day of January next following election, except that the two (2) supervisors who are first appointed shall be designated to serve for terms of two (2) years. A supervisor shall hold office until a qualified successor has been elected or appointed. Vacancies shall be filled for the unexpired term. The selection of successors to fill an unexpired term, or for a full term shall be made by a vote of the majority of the supervisors duly qualified and acting at the time the vacancy shall arise and the supervisors shall certify the name of the appointed supervisor to the state soil and water conservation commission. The soil conservation district shall issue a certificate of such appointment.

(6) A majority of the supervisors shall constitute a quorum and the concurrence of a majority in any matter within their duties shall be required for its determination. A supervisor shall be entitled to expenses, including travel expense, necessarily incurred in the discharge of duties. A supervisor shall receive no compensation for services from regular district funds, county funds authorized in section 22-2726, Idaho Code, or state funds authorized in section 22-2727, Idaho Code.

(7) In the event the district has a special project, approved by the state soil and water conservation commission, making project funds available from federal or other sources, a supervisor may receive compensation not to exceed thirty-five dollars (\$35.00) per day plus actual and necessary expenses from project funds for services directly related to the project.



(8) The supervisors may employ a secretary, technical experts, and such other officers, agents, and employees, permanent and temporary as they may require, and shall determine their qualifications, duties and compensation. The supervisors may call upon the attorney general of the state for such legal services as they may require or may employ their own counsel and legal staff. The supervisors may delegate to their chairman, to one (1) or more supervisors, or to one (1) or more agents, or employees, such powers and duties as they may deem proper. The supervisors shall furnish to the state soil and water conservation commission, upon request, copies of such ordinances, rules, orders, contracts, forms and other documents as they shall adopt or employ, and such other information concerning the supervisors' activities as the commission may require in the performance of the commission's duties under this chapter.

(9) The supervisors shall provide for the execution of surety bonds for all employees and officers who shall be entrusted with funds or property; they 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 independent financial audits in accordance with the provisions of section 67-450B, Idaho Code. Supervisors shall be subject to recall in accordance with the provisions of chapter 17, title 34, Idaho Code.

(10) The supervisors may invite the legislative body of a municipality or county located near the territory comprised within the district to designate a representative to advise and consult with the supervisors of the district on all questions of program and policy which may affect the property, water supply, or other interests of such municipality or county.

SECTION 5. That Section 22-2726, Idaho Code, be, and the same is hereby amended to read as follows:

22-2726. FUNDS OR ASSISTANCE PROVIDED BY COUNTY FROM COUNTY GENERAL FUND. In those counties of Idaho wherein all or a substantial part of the county has been created and is operating as a soil conservation district or districts under the provisions of chapter 27, title 22, ~~section 22-2719, Idaho Code,~~ or any amendment thereto, the board of county commissioners may, from time to time, at their discretion and upon request of the supervisors of such soil conservation districts provide in their budget a sufficient amount of money from the county general fund for allocation to the districts to be used by the districts for any purposes authorized by law, or in lieu of such allocation the county commissioners at their discretion may assign or hire an employee or employees of the county to assist the supervisors in the performance of the work of their office. The duties of such employee or employees shall be under the direct supervision of the supervisors of each soil conservation district.

SECTION 6. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 25, 2022

CHAPTER 272  
(H.B. No. 520)

AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-2120, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE DESIGNATION OF ALLOCATED TAGS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 36-2120, Idaho Code, be, and the same is hereby amended to read as follows:

36-2120. DESIGNATION OF ALLOCATED TAGS. (1) Each time the commission sets big game seasons, except as provided in subsection (3) of this section, the board shall:

- (a) Designate allocated tags using a formula that prioritizes an individual outfitting operation's use, including the transfer of allocated tags previously designated to it;
- (b) Designate any remaining or additional undesignated allocated tags based on each outfitting operation's base allocation number in comparison to its use of previously designated allocated tags and in proportion to other outfitting operations; and
- (c) Incorporate the base allocation number into the formula used to designate allocated tags to each outfitting operation; and
- (d) When reasonably practical to do so, designate allocated tags before the date on which nonallocated tags become available for sale to nonresidents for the hunt in which tags are allocated.

(2) An individual outfitting operation's base allocation number is computed as follows:

- (a) In capped hunts, the average of the ~~last two~~ (2) calendar years preceding the date of allocation of all outfitted hunter tag use history in the hunt with the most similar framework to the hunt for which the allocated tag is being designated.
- (b) In controlled hunts, the highest year within the ~~last two~~ (2) calendar years preceding the date of allocation of all outfitted hunter tag use history in the controlled hunt or hunts with the most similar framework to the hunt for which the allocated tag is being designated.

(3) If the commission sets big game seasons more frequently than biennially, the board will designate allocated tags only for the hunts for which the fish and game commission adjusted the number of allocated tags.

(4) If the commission reduces the number of allocated tags for a hunt from the immediately preceding big game season setting for that hunt, the board will designate allocated tags as set forth in this section, and then it will reduce each outfitting operation's designation by the same percentage as the percentage reduction to the total number of allocated tags.

(5) If the commission allocates tags for a new capped or controlled hunt, the board will designate allocated tags for that hunt proportionately based on each outfitting operation's base allocation number.

(6) The board may adjust the number of tags that would be otherwise designated to an outfitting operation for a hunt based upon a request and demonstration of hardship by one (1) or more outfitting operations authorized for that hunt, upon notice and an opportunity to be heard by all affected outfitting operations.

(7) Prior to turning back unsold allocated tags to the department of fish and game, a pool for these tags will be established within each hunt. These pooled tags will be accessible to other licensed outfitters in the same hunt for periods of time specified by the board.

(8) The board will notify licensees of the number of allocated tags designated to its operations and the basis for designation.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 25, 2022

CHAPTER 273  
(H.B. No. 724)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO FOR FISCAL YEAR 2023; APPROPRIATING MONEYS TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO FOR FISCAL YEAR 2023; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING CONTINUOUS APPROPRIATION AUTHORITY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. There is hereby appropriated to the Public Employee Retirement System of Idaho (PERSI) the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2022, through June 30, 2023:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
<b>I. RETIREMENT ADMINISTRATION:</b>				
FROM:				
PERSI Administrative				
Fund	\$5,518,500	\$5,593,400	\$184,000	\$11,295,900
Judges' Retirement				
Fund	<u>71,300</u>	<u>1,000</u>	<u>0</u>	<u>72,300</u>
TOTAL	\$5,589,800	\$5,594,400	\$184,000	\$11,368,200
<b>II. PORTFOLIO INVESTMENT:</b>				
FROM:				
PERSI Special				
Fund	\$884,100	\$220,100	\$21,600	\$1,125,800
GRAND TOTAL	\$6,473,900	\$5,814,500	\$205,600	\$12,494,000

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Public Employee Retirement System of Idaho is authorized no more than seventy-three (73.00) full-time equivalent positions at any point during the period July 1, 2022, through June 30, 2023, 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. Notwithstanding the provisions of 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 Retirement System Board as provided in Section 59-1311(4) (a), (b) and (c), Idaho Code.

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 25, 2022

CHAPTER 274  
(H.B. No. 768)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF AGRICULTURE; APPROPRIATING MONEYS TO THE DEPARTMENT OF AGRICULTURE FOR FISCAL YEAR 2023; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING REQUIREMENTS REGARDING THE WATERCRAFT INSPECTION PROGRAM; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF AGRICULTURE FOR SPECIALTY CROP GRANTS FOR FISCAL YEAR 2022; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF AGRICULTURE FOR LAB EQUIPMENT FOR FISCAL YEAR 2022; 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 Agriculture the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2022, through June 30, 2023:

	FOR	FOR	FOR	FOR	TOTAL
	PERSONNEL	OPERATING	CAPITAL	TRUSTEE AND	
	COSTS	EXPENDITURES	OUTLAY	BENEFIT	
				PAYMENTS	
<b>I. ADMINISTRATION:</b>					
<b>FROM:</b>					
<b>General</b>					
Fund	\$983,100	\$633,300			\$1,616,400
<b>Administration and Accounting Services</b>					
Fund	1,062,900	131,700	\$14,900		1,209,500

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
<b>Facilities Maintenance</b>					
Fund	<u>177,500</u>	<u>173,100</u>	<u>0</u>		<u>350,600</u>
TOTAL	\$2,223,500	\$938,100	\$14,900		\$3,176,500
<b>II. ANIMAL INDUSTRIES:</b>					
FROM:					
General					
Fund	\$1,982,400	\$246,800			\$2,229,200
Agricultural Inspection					
Fund	38,500	9,700			48,200
Agricultural Fees - Livestock Disease Control					
Fund	892,000	415,200	\$87,500		1,394,700
Agricultural Fees - Dairy Inspection					
Fund	1,821,300	498,000	118,000		2,437,300
Agricultural Fees - Egg Inspection					
Fund	182,300	61,400			243,700
Agricultural Fees - Commercial Fisheries					
Fund	5,700	4,200			9,900
Agricultural Fees - Poultry Inspection					
Fund	36,000	17,500			53,500
Seminars and Publications					
Fund		58,300			58,300
Federal Grant					
Fund	<u>385,800</u>	<u>117,300</u>	<u>0</u>	<u>\$38,200</u>	<u>541,300</u>
TOTAL	\$5,344,000	\$1,428,400	\$205,500	\$38,200	\$7,016,100
<b>III. AGRICULTURAL RESOURCES:</b>					
FROM:					
General					
Fund	\$137,400	\$127,200			\$264,600
Agricultural Fees - Pesticides					
Fund	2,413,400	917,900	\$60,100		3,391,400
Federal Grant					
Fund	<u>397,400</u>	<u>118,400</u>	<u>0</u>		<u>515,800</u>
TOTAL	\$2,948,200	\$1,163,500	\$60,100		\$4,171,800
<b>IV. PLANT INDUSTRIES:</b>					
FROM:					
General					
Fund	\$1,944,800	\$1,396,000		\$3,016,500	\$6,357,300
Agricultural Inspection					
Fund	1,386,300	303,200	\$14,500	111,100	1,815,100

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
<b>Invasive Species</b>					
Fund	1,254,500	842,400	383,000	100,000	2,579,900
<b>Agricultural Fees - Commercial Feed and Fertilizer</b>					
Fund	1,427,300	473,600	153,500	50,000	2,104,400
<b>Agricultural Fees - Honey Advertising</b>					
Fund	400	16,300			16,700
<b>Agricultural Fees - Hemp</b>					
Fund	134,500	55,000	5,000		194,500
<b>Quality Assurance Laboratory Services</b>					
Fund	397,200	137,700			534,900
<b>Federal Grant</b>					
Fund	<u>1,271,000</u>	<u>1,098,300</u>	<u>0</u>	<u>956,700</u>	<u>3,326,000</u>
TOTAL	\$7,816,000	\$4,322,500	\$556,000	\$4,234,300	\$16,928,800

## V. AGRICULTURAL INSPECTIONS:

## FROM:

## General Fund

Fund	\$809,900	\$148,700			\$958,600
<b>Weights and Measures Inspection</b>					
Fund	500,600	213,300	\$185,100		899,000
<b>Agricultural Fees - Organic Food Products</b>					
Fund	599,900	111,400	29,300		740,600
<b>Agricultural Fees - Fresh Fruit and Vegetable Inspection</b>					
Fund	<u>7,971,600</u>	<u>2,825,800</u>	<u>332,500</u>		<u>11,129,900</u>
TOTAL	\$9,882,000	\$3,299,200	\$546,900		\$13,728,100

## VI. MARKET DEVELOPMENT:

## FROM:

## General

Fund	\$494,200	\$364,600			\$858,800
<b>Agricultural Inspection</b>					
Fund	82,600	74,100			156,700
<b>Seminars and Publications</b>					
Fund		245,600			245,600
<b>Rural Economic Development Integrated Freight Transportation</b>					
Fund	9,800	20,000		\$140,000	169,800
<b>Revolving Loans</b>					
Fund	12,300	15,300			27,600
<b>Federal Grant</b>					
Fund	<u>235,200</u>	<u>628,100</u>		<u>2,167,500</u>	<u>3,030,800</u>
TOTAL	\$834,100	\$1,347,700		\$2,307,500	\$4,489,300

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
<b>VII. ANIMAL DAMAGE CONTROL:</b>					
FROM:					
General					
Fund		\$4,000		\$156,700	\$160,700
Animal Damage Control					
Fund				100,000	100,000
Agricultural Fees - Sheep and Goat Health					
Fund		<u>7,200</u>		<u>160,200</u>	<u>167,400</u>
TOTAL		\$11,200		\$416,900	\$428,100
<b>VIII. SHEEP AND GOAT HEALTH BOARD:</b>					
FROM:					
General					
Fund	\$81,500				\$81,500
Agricultural Fees - Sheep and Goat Health					
Fund	<u>72,500</u>	<u>\$38,300</u>			<u>110,800</u>
TOTAL	\$154,000	\$38,300			\$192,300
GRAND TOTAL	\$29,201,800	\$12,548,900	\$1,383,400	\$6,996,900	\$50,131,000

**SECTION 2. FTP AUTHORIZATION.** In accordance with Section 67-3519, Idaho Code, the Department of Agriculture is authorized no more than two hundred twenty-five (225.00) full-time equivalent positions at any point during the period July 1, 2022, through June 30, 2023, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

**SECTION 3. WATERCRAFT INSPECTION PROGRAM.** The Department of Agriculture shall maximize the use of the appropriation provided for the watercraft inspection program to minimize the chances of spreading zebra mussels, quagga mussels, and other aquatic invasive species into Idaho waters. The department is encouraged to use roving inspection stations when appropriate and for expanded hours of coverage during holidays when boat transport traffic is likely to increase. It is also encouraged to use extra staffing on busy holiday weekends. The department shall gather data regarding the number of watercraft that are bypassing the stations and nighttime transport of watercraft across Idaho's borders. The department shall also seek to secure federal funding to further enhance invasive species detection and prevention efforts. The department shall report back to the Joint Finance-Appropriations Committee, the Senate Agricultural Affairs Committee, and the House Agricultural Affairs Committee during the 2023 legislative session regarding the results of the data gathering, attainment of federal funds, and an operational review of the boat stations.

**SECTION 4.** In addition to the appropriation made in Section 1, Chapter 106, Laws of 2021, and any other appropriation provided by law, there is hereby appropriated to the Department of Agriculture for the Market Development Program \$900,000 from the Federal Grant Fund to be expended for trustee

and benefit payments for the period July 1, 2021 through June 30, 2022, for the purpose of specialty crop grants.

SECTION 5. In addition to the appropriation made in Section 1, Chapter 106, Laws of 2021, and any other appropriation provided by law, there is hereby appropriated to the Department of Agriculture for the Animal Industries Program \$400,000 from the General Fund to be expended for capital outlay for the period July 1, 2021 through June 30, 2022, for the purpose of lab equipment.

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 25, 2022

CHAPTER 275  
(S.B. No. 1297)

AN ACT

RELATING TO THE DEPARTMENT OF SELF-GOVERNING AGENCIES; AMENDING CHAPTER 26, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-2615, IDAHO CODE, TO PROVIDE FOR DIVISION INVESTIGATIONS AND COOPERATION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 26, 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 67-2615, Idaho Code, and to read as follows:

67-2615. DIVISION INVESTIGATIONS AND COOPERATION. (1) Complaints, investigations, and informal proceeding records are the property of the division of occupational and professional licenses and are exempt from disclosure under the public records act pursuant to section 74-106(9), Idaho Code.

(2) In addition to the authority granted to a division board or commission by its respective practice act or other applicable state law, a division board or commission may participate with any other division board or commission in joint investigations of licenses, permits, registrations, and certificates. The division and its boards and commissions may share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated by a division board or commission. The internal sharing of investigative records between division boards and commissions and their respective division staff or officials does not alter any of the disclosure exemptions set forth in chapter 1, title 74, Idaho Code.

(3) A subpoena issued by a division board or commission shall be enforceable by any other division board or commission.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 25, 2022



CHAPTER 276  
(H.B. No. 580)

AN ACT

RELATING TO EASEMENTS; AMENDING SECTION 55-603, IDAHO CODE, TO PROVIDE FOR EASEMENTS IN GROSS OF A COMMERCIAL CHARACTER; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 55-603, Idaho Code, be, and the same is hereby amended to read as follows:

55-603. EASEMENTS PASS WITH PROPERTY -- EASEMENTS IN GROSS OF A COMMERCIAL CHARACTER. (1) A transfer of real property passes all easements attached thereto, and creates in favor thereof an easement to use other real property of the person whose estate is transferred, in the same manner and to the same extent as such property was obviously and permanently used by the person whose estate is transferred, for the benefit thereof, at the time when the transfer was agreed upon or completed.

(2) Easements in gross of a commercial character, whether existing or created in the future, may be transferred, assigned, or conveyed in accordance with the express language of the instrument. As used in this section, "easement in gross of a commercial character" means an easement that is a personal interest in or right to use the land of another:

- (a) For the transmission or distribution of water, sewer, natural gas, or petroleum products;
- (b) For the provision of telephone or data service;
- (c) For the transmission, distribution, or transformation of electricity; or
- (d) For purposes of commercial agricultural uses, including without limitation grazing of livestock, farming, and propagation and harvest of timber crops.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 25, 2022

CHAPTER 277  
(H.B. No. 701)

AN ACT

RELATING TO THE IDAHO WORKFORCE HOUSING FUND; AMENDING CHAPTER 62, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-6227, IDAHO CODE, TO ESTABLISH THE IDAHO WORKFORCE HOUSING FUND AND TO PROVIDE FOR THE ALLOCATION OF FUNDS; DECLARING AN EMERGENCY; AND PROVIDING A SUNSET DATE.

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

SECTION 1. That Chapter 62, 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 67-6227, Idaho Code, and to read as follows:

67-6227. IDAHO WORKFORCE HOUSING FUND. (1) There is hereby created within the state treasury the Idaho workforce housing fund that will consist of such sums as may be appropriated by the legislature for the purpose of providing financial assistance for workforce housing development.

(2) The association is hereby appointed as the administrative entity for the Idaho workforce housing fund and will be responsible for creating an allocation plan. Consistent with the allocation plan and availability of funding, the association will request funding from the state treasurer at such times and in such amounts necessary to invest in the development of workforce housing. In creating the allocation plan, the association shall adhere to the following guiding principles:

(a) Funding allocated from the Idaho workforce housing fund shall be used for the purpose of gap financing.

(b) Preference shall be given to developments that include a commitment on the part of a local government to match, in whole or in part, the funds allocated by the association. A local match may include but shall not be limited to money, fee waivers, in-kind services, donation of assets, the provision of infrastructure, or a combination thereof.

(c) The association shall set aside no less than twenty percent (20%) of all moneys allocated to the Idaho workforce housing fund for use in rural areas, as defined in section 67-9003, Idaho Code. If, after a period of two (2) years, any portion of these funds remains unused in rural areas, the balance shall become available to all communities.

SECTION 2. 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.

SECTION 3. The provisions of this act shall be null, void, and of no force and effect on and after December 31, 2026.

Approved March 28, 2022

CHAPTER 278  
(H.B. No. 718)

AN ACT

RELATING TO EDUCATION; AMENDING CHAPTER 37, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-3731, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING CONTRACT REQUIREMENTS FOR IDAHO RESIDENTS WHO RECEIVE STATE SUPPORT FOR A MEDICAL EDUCATION, TO ESTABLISH PROVISIONS REGARDING A MEDICAL EDUCATION REIMBURSEMENT FUND, AND TO PROVIDE AUTHORITY TO THE STATE BOARD OF EDUCATION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 37, 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 33-3731, Idaho Code, and to read as follows:

33-3731. CONTRACT REQUIREMENTS FOR STATE-SUPPORTED MEDICAL STUDENTS -- MEDICAL EDUCATION REIMBURSEMENT FUND. (1) An individual who qualifies as an Idaho resident pursuant to section 33-3717B, Idaho Code, and who is accepted into the Washington, Wyoming, Alaska, Montana, Idaho (WWAMI) regional medical education program or into the university of Utah school of medicine in a slot reserved for an Idaho student shall, before confirming enrollment in such program or school, enter into a contract with the state board of education or the board's designee, which contract shall specify that the individual will commit to entering active full-time professional practice in Idaho for a period of four (4) years within one (1) year of:

- (a) Obtaining a license to practice medicine;
- (b) Finishing a residency or subspecialty residency; or
- (c) Finishing a medical education fellowship as defined by the state board of education or the board's designee.

(2) Each year of a residency served in Idaho, up to four (4) years, will be credited as one-half (1/2) year of the practice requirement provided in subsection (1) of this section. After the fourth year, no credit shall be given for any additional residency years.

(3) An individual who fails to abide by the contract described in subsection (1) of this section shall reimburse the state for the state's financial obligation in supporting the individual's medical education, as determined by the state board of education or the board's designee. Reimbursement must:

- (a) Begin within one (1) year of:
  - (i) Obtaining a license to practice medicine;
  - (ii) Finishing a residency or subspecialty residency; or
  - (iii) Finishing a medical education fellowship as defined by the state board of education or the board's designee;
- (b) Be paid according to an amortized schedule established by the state board of education or the board's designee; and
- (c) Be completed within eight (8) years of the date the reimbursement requirement began.

(4) The reimbursement obligation described in subsection (3) of this section:

(a) Shall not accrue any interest; and

(b) May, by act of the state board of education or the board's designee, be:

(i) Suspended if reimbursement is temporarily impossible or would create extreme hardship for a temporary period, including but not limited to suspension for medical reasons, personal reasons, parental leave, or call to active duty in the armed forces; or

(ii) Waived if:

1. Reimbursement is permanently impossible or would create extreme hardship, including but not limited to death, inability to complete the program, or inability to obtain a license to practice medicine; or

2. The individual owing reimbursement is participating in a program of the federal government or United States armed forces that has a service requirement.

(5) The provisions of this section shall apply to individuals matriculating in the WWAMI program or the university of Utah school of medicine in fall 2023 and thereafter.

(6) There is hereby established in the state treasury a medical education reimbursement fund, which shall be administered by the state board of education or the board's designee. Moneys in the fund shall:

(a) Consist of:

(i) Reimbursement paid pursuant to subsection (3) of this section;

(ii) Legislative appropriations;

(iii) Donations; and

(iv) Interest earned on idle moneys in the fund; and

(b) Be used for, subject to availability:

(i) The costs of administering and enforcing the provisions of this section; and

(ii) Incentive grants in an amount and according to a program established under state board of education policy. Such grants shall be awarded to licensed physicians who practice medicine in Idaho and who meet other criteria provided in board policy.

(7) The state board of education is authorized to take such actions as are necessary to effectuate the provisions of this section.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 28, 2022

CHAPTER 279  
(H.B. No. 769)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF WATER RESOURCES FOR FISCAL YEAR 2023; APPROPRIATING MONEYS TO THE DEPARTMENT OF WATER RESOURCES FOR FISCAL YEAR 2023; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; APPROPRIATING AND TRANSFERRING MONEYS FROM THE REVOLVING DEVELOPMENT FUND TO THE AQUIFER PLANNING AND MANAGEMENT FUND FOR FISCAL YEAR 2023; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE SECONDARY AQUIFER PLANNING, MANAGEMENT, AND IMPLEMENTATION FUND FOR FISCAL YEAR 2023; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE WATER MANAGEMENT FUND FOR FISCAL YEAR 2023; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE WATER MANAGEMENT FUND FOR FISCAL YEAR 2023; PROVIDING REQUIREMENTS FOR USE OF MONEYS FOR WATER PROJECTS; PROVIDING REQUIREMENTS FOR ELIGIBLE WATER PROJECTS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. There is hereby appropriated to the Department of Water Resources the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2022, through June 30, 2023:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
<b>I. MANAGEMENT AND SUPPORT SERVICES:</b>					
FROM:					
General					
Fund	\$855,300	\$871,000			\$1,726,300
Indirect Cost Recovery					
Fund	376,800	195,600	\$6,000		578,400
Water Administration					
Fund		22,100			22,100
Miscellaneous Revenue					
Fund	<u>0</u>	<u>171,200</u>	<u>0</u>		<u>171,200</u>
TOTAL	\$1,232,100	\$1,259,900	\$6,000		\$2,498,000
<b>II. PLANNING AND TECHNICAL SERVICES:</b>					
FROM:					
General					
Fund	\$3,627,100	\$637,300	\$15,000	\$6,908,500	\$11,187,900
Indirect Cost Recovery					
Fund		69,400			69,400
Aquifer Planning and Management					
Fund	1,081,000	453,800			1,534,800
Miscellaneous Revenue					
Fund		164,500			164,500

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
<b>ARPA State Fiscal Recovery</b>					
Fund			15,000	100,000,000	100,015,000
<b>Federal Grant</b>					
Fund	<u>329,400</u>	<u>832,700</u>	<u>0</u>	<u>0</u>	<u>1,162,100</u>
TOTAL	\$5,037,500	\$2,157,700	\$30,000	\$106,908,500	\$114,133,700
<b>III. WATER MANAGEMENT:</b>					
<b>FROM:</b>					
<b>General</b>					
Fund	\$6,231,700	\$2,155,800	\$70,000		\$8,457,500
<b>Indirect Cost Recovery</b>					
Fund		72,500			72,500
<b>Water Administration</b>					
Fund	1,486,300	233,000			1,719,300
<b>Miscellaneous Revenue</b>					
Fund	981,200	307,200			1,288,400
<b>ARPA State Fiscal Recovery</b>					
Fund			15,000		15,000
<b>Federal Grant</b>					
Fund	<u>270,500</u>	<u>341,900</u>	<u>0</u>		<u>612,400</u>
TOTAL	\$8,969,700	\$3,110,400	\$85,000		\$12,165,100
<b>IV. NORTHERN IDAHO ADJUDICATION:</b>					
<b>FROM:</b>					
<b>General</b>					
Fund	\$346,800	\$187,300			\$534,100
<b>Northern Idaho Adjudication</b>					
Fund	<u>0</u>	<u>38,000</u>			<u>38,000</u>
TOTAL	\$346,800	\$225,300			\$572,100
<b>V. BEAR RIVER BASIN ADJUDICATION:</b>					
<b>FROM:</b>					
<b>General</b>					
Fund	\$425,000	\$140,400	\$50,000		\$615,400
GRAND TOTAL	\$16,011,100	\$6,893,700	\$171,000	\$106,908,500	\$129,984,300

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Water Resources is authorized no more than one hundred sixty-eight (168.00) full-time equivalent positions at any point during the period July 1, 2022, through June 30, 2023, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. CASH TRANSFER FOR AQUIFER MONITORING. There is hereby appropriated to the Department of Water Resources and the Office of the State Controller shall transfer \$716,000 from the Revolving Development Fund to the Aquifer Planning and Management Fund on July 1, 2022, or as soon thereafter as practicable for the period July 1, 2022, through June 30, 2023, to be used for aquifer monitoring, measurement, and modeling.

SECTION 4. CASH TRANSFER FOR AQUIFER MANAGEMENT. Of the amount appropriated to the Department of Water Resources in Section 1 of this act for the Planning and Technical Services Program from the General Fund, the Office of the State Controller shall transfer \$5,000,000 to the Secondary Aquifer Planning, Management, and Implementation Fund on July 1, 2022, or as soon thereafter as practicable for the period July 1, 2022, through June 30, 2023, to be used for aquifer recharge and management.

SECTION 5. CASH TRANSFER FOR THE FLOOD MANAGEMENT PROGRAM. Of the amount appropriated to the Department of Water Resources in Section 1 of this act for the Planning and Technical Services Program from the General Fund, the Office of the State Controller shall transfer \$1,000,000 to the Water Management Fund on July 1, 2022, or as soon thereafter as practicable for the period July 1, 2022, through June 30, 2023, to be used for hydrologic data collection, monitoring and modeling, flood-damaged stream channel repair, stream channel improvement, flood risk reduction, or flood prevention projects. These moneys shall be administered by the Idaho Water Resource Board through a competitive, matching grant process that prioritizes projects based on the public benefits they provide.

SECTION 6. CASH TRANSFER FOR LARGE WATER PROJECTS. There is hereby appropriated to the Department of Water Resources and the Office of the State Controller shall transfer \$75,000,000 from the General Fund to the Water Management Fund on July 1, 2022, or as soon thereafter as practicable for the period July 1, 2022, through June 30, 2023, to be used for large water projects such as the Anderson Ranch Dam capacity increase, Mountain Home Air Force Base water supply project, and recharge projects in the Upper Snake River Valley.

SECTION 7. USE OF MONEYS FOR WATER PROJECTS. Of the moneys provided in Section 6 of this act for water projects, funding shall be used for expenditures, loans, or grants for water projects, including studies, to address water sustainability, rehabilitate or improve aging water infrastructure, or support flood management. No more than one-third of these moneys shall be used for grants. The Idaho Water Resource Board shall develop criteria, taking into account the public's input for the expenditures of money for grants, which shall be competitive, matching grants that prioritize projects based on the public benefits they provide. Considerations of public benefits should include the protection of existing water rights, the uses identified in Section 42-1760(2)(d), Idaho Code, which include consideration of the value of existing hydropower to the state's economy, providing water for future development, and addressing aging water storage and delivery infrastructure for projects that provide environmental, safety, or recreational benefits. For any project receiving grants issued pursuant to the criteria developed under this section, the \$50,000 grant limitation of Section 42-1760(2)(b), Idaho Code, shall not apply.

SECTION 8. WATER PROJECTS ELIGIBLE FOR FUNDING FROM THE AMERICAN RESCUE PLAN ACT (ARPA). It is the intent of the Legislature to provide approximately \$250,000,000 of American Rescue Plan Act (ARPA) funding to support projects managed by the Idaho Water Resource Board. Moneys shall be appropriated from the ARPA State Fiscal Recovery Fund for this purpose. Projects may include:

(a) The continued identification, study, construction, or enlargement of managed aquifer recharge sites above Milner Dam in accordance with Section 42-1760(2)(c) and (d), Idaho Code, that, based on scientific data and technical analysis, addresses the restoration of the Eastern Snake Plain Aquifer;

(b) The enlargement of Anderson Ranch Reservoir, located on the South Fork of the Boise River;

(c) Construction of water delivery and treatment systems for Mountain Home Air Force Base, provided that the Idaho Water Resource Board shall have the authority to transfer ownership of the state-constructed pump station and pipeline to the base at no cost upon completion, and provided further that, notwithstanding the transfer of the pump station and pipeline, the Snake River water rights for the project shall remain in the board's ownership; and

(d) The design, planning, construction, and implementation of other ARPA-eligible water resource management programs, plans, and projects approved by the board.

SECTION 9. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 28, 2022

CHAPTER 280  
(H.B. No. 804)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF EDUCATION; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF EDUCATION FOR FISCAL YEAR 2023; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the Department of Education for the Student Services Program \$375,000 from the General Fund to be expended for operating expenditures for the period July 1, 2022, through June 30, 2023, for the purpose of addressing content standards as provided by House Bill No. 716 of the Second Regular Session of the Sixty-sixth Legislature.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 28, 2022



CHAPTER 281  
(S.B. No. 1279)

AN ACT

RELATING TO COUNTY JAILS; AMENDING CHAPTER 6, TITLE 20, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 20-611, IDAHO CODE, TO AUTHORIZE THE USE OF A TEMPORARY GUARD OR PRIVATE SECURITY SERVICE IN CERTAIN INSTANCES; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 6, Title 20, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 20-611, Idaho Code, and to read as follows:

20-611. TEMPORARY GUARDS. A county sheriff may hire a temporary guard or private security service to assist in the protection of the county jail, to transport inmates from one location to another, or to safely keep prisoners at a location such as a hospital, hospice care, or long-term care facility when required. The provisions of this section shall not confer onto any such hired person the powers of a peace officer or county detention officer.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 28, 2022

CHAPTER 282  
(S.B. No. 1320)

AN ACT

RELATING TO BIRTH CERTIFICATES AND ADOPTION RECORDS; AMENDING SECTION 39-258, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING CERTAIN ADOPTIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 39-259, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING CERTAIN ADOPTIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 39-259A, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 39-258, Idaho Code, be, and the same is hereby amended to read as follows:

39-258. ADOPTION OF PERSONS BORN IN IDAHO -- NEW BIRTH CERTIFICATE ISSUED TO REPLACE ORIGINAL CERTIFICATE -- PROCEDURE -- ADOPTION PROCEEDINGS NOT OPEN TO INSPECTION WITH CERTAIN EXCEPTIONS -- DUTIES OF THE CLERKS OF COURTS ISSUING ADOPTION DECREES -- DUTIES OF STATE REGISTRAR OF VITAL STATISTICS. (a<sub>1</sub>) Whenever a final decree of adoption, issued by an Idaho court, declares a person born in Idaho to be adopted by someone other than his or her natural parents, the court shall require the preparation of a report (denominated as a certificate in accordance with Idaho court rules) of adoption on a form prescribed and furnished by the state registrar. The report shall include such facts as are necessary to locate and identify the certificate of birth of the person adopted; shall provide information necessary to estab-

lish a new certificate of birth for the person adopted; and shall identify the order of adoption and be certified by the clerk of the court.

(b2) Information necessary to prepare the report of adoption shall be furnished by each petitioner for adoption or the petitioner's attorney. The provision of such information shall be prerequisite to the issuance of a final decree in the matter of the court.

(e3) The report of adoption shall, within fifteen (15) days after becoming final, be recorded by the clerk of the court with the ~~vital-statistics unit~~ bureau of vital records and health statistics in the state department of health and welfare.

(d4) If a court of some other state issued a decree or report of adoption of a person actually born in Idaho, the certified copy or report may be similarly filed by the person involved or by the adoptive parents. Failure to file certified copies or reports of said decrees within said period of time, however, shall not bar issuance of a new birth certificate as hereinafter provided. This copy of said decree or report shall be filed with and remain a part of the records of the ~~vital-statistics unit~~ bureau of vital records and health statistics.

(e5) Upon receipt by the ~~vital-statistics unit~~ bureau of vital records and health statistics of the certified report of adoption, a new certificate of birth shall be issued (but only in cases where such person's birth is already recorded with the ~~vital-statistics unit~~ bureau of vital records and health statistics) bearing among other things the name of the person adopted, as shown in the report of adoption, except that a new certificate of birth shall not be established if so requested by the court decreeing the adoption, the adoptive parents, or the adopted person. No such birth certificate shall have reference to the adoption of said person. Such birth certificate shall supplant and constitute a replacement of any birth certificate previously issued for said person and shall be the only birth certificate open to public inspection.

Provided however, upon good cause shown and the affidavit of the adoptive parents that a diligent search has been made, but no certificate of birth for the adoptive child can be located, the magistrate judge may order the adoptive child examined, at the expense of the adoptive parents, by a doctor of medicine licensed by the state of Idaho. The examination will be conducted pursuant to rules promulgated by the state board of health and welfare for the purpose of determining those matters required for the issuance of an original birth certificate. Upon the examination of the doctor made pursuant to the rules of the state board of health and welfare, the court may order the ~~vital-statistics unit~~ bureau of vital records and health statistics to issue an original birth certificate for the adoptive child based upon those facts determined by the examination and included in the court's order. In such case, a certified copy of the court order shall be provided to the ~~vital-statistics unit~~ bureau of vital records and health statistics.

(f6) In respect to form and nature of contents, such a new birth certificate shall be identical with a birth certificate issued to natural parents for the birth of a child, except that the adoptive parents shall be shown as parents and the adopted person shall have the name assigned by the decree of adoption as shown on the report of adoption. In a case where a single person adopts another person, any new birth certificate may designate the adopting parent as adoptive.

(g7) Whenever an adoption decree is amended, annulled, or rescinded, the clerk of the court shall forward a certified copy of the amendment, annulment, or rescindment to the ~~vital statistics unit~~ bureau of vital records and health statistics in accordance with the time provisions in subsection (e3) of this section. Unless otherwise directed by the court, the ~~vital statistics unit~~ bureau of vital records and health statistics shall amend the certificate of birth upon receipt of a certified copy of an amended decree of adoption. Upon receipt of a certified copy of a decree of annulment or rescindment of adoption, the original certificate of birth shall be restored to its place in the files and the new certificate and evidence shall not be subject to inspection except upon order of a court of record of this state.

(h8) All records and information specified in this section, other than a new birth certificate issued hereunder, and all records, files, and information of any court in this state relating to adoption proceedings, shall not be open to inspection except as provided in section 39-259A, Idaho Code, or upon the order of a court of record of this state; provided however, that the provisions of section 16-1616, Idaho Code, to the contrary notwithstanding, any magistrate judge may furnish a certified copy of a decree of adoption to any duly authorized agency of the United States or the state of Idaho without procuring any prior court order therefor.

(9) For adoptions that occur on or after July 1, 2022, the provisions of this section shall apply, except that:

(a) The natural or adoptive parentage of each parent shall be demonstrated as determined by the registrar on the face of a new birth certificate described in subsection (6) of this section; and

(b) A copy of the original birth certificate, all medical and demographic information contained in the sealed file, and the report of adoption must be provided upon the signed request, on a form prescribed by the registrar, of the adoptee who is named on the birth certificate or such adoptee's legal representative, provided that:

(i) The adoptee must be eighteen (18) years or older;

(ii) The documents referenced in this paragraph will be released to the adult adoptee upon completion of the voluntary adoption registration process. In the event of a match on the voluntary adoption registry, a minimum thirty (30) day waiting period will apply, during which time a registered birth parent may:

1. Indicate a preferred method of contact, which method will be communicated to the adoptee at the time the documents are released;

2. Request no contact, which request will be communicated to the adoptee at the time the documents are released; or

3. Request that the registered birth parent's name be redacted before records are released, which request shall be effective for five (5) years. After the five (5) years have elapsed, the adoptee may again request documents according to this paragraph, and all provisions of this paragraph shall apply; and

(iii) The bureau of vital records and health statistics is not obligated to provide court records to the adoptee under the provisions of this paragraph.

SECTION 2. That Section 39-259, Idaho Code, be, and the same is hereby amended to read as follows:

39-259. ADOPTION OF PERSONS BORN IN FOREIGN COUNTRIES. (a<sub>1</sub>) When it appears from a final decree of adoption issued by an Idaho court that a person born in a foreign country has been adopted in Idaho by someone other than the person's natural parents, the court shall require the preparation of a report (denominated as a certificate in accordance with Idaho court rules) of adoption on a form prescribed and furnished by the state registrar. The report shall contain evidence from sources determined to be reliable by the court as to the true or probable date and place of birth and parentage of such person; shall provide information necessary to establish a new certificate of birth for the person adopted; and shall identify the order of adoption and be certified by the clerk of the court. Upon receipt by the state registrar of vital statistics of the report of adoption, the state registrar of vital statistics shall make and file a new birth certificate for the child when requested to do so by the court decreeing the adoption, the adoptive parents, or the adopted person. The new birth certificate shall show the true or probable foreign country (and city, town, village, or other local designation, if known) of birth and the true or probable date of birth as established by the court and shown on the court report of adoption, the child's new name and parentage as stated in the report of adoption, and any other necessary facts as required by the state registrar. This birth certificate shall not be evidence of United States citizenship. The form and content of the certificate of foreign birth shall be established by the director.

(b<sub>2</sub>) All records and information specified in this section, other than a new birth certificate issued hereunder, and all records, files, and information of any court in this state relating to adoption proceedings, shall not be open to inspection except as provided in section 39-259A, Idaho Code, or upon the order of a court of record of this state; provided however, that the provisions of section 16-1616, Idaho Code, to the contrary notwithstanding, any probate court, or the judge thereof, may furnish a certified copy of a decree of adoption to any duly authorized agency of the United States or the state of Idaho without procuring any prior court order therefor.

(e<sub>3</sub>) The report of adoption shall, within fifteen (15) days after becoming final, be recorded by the clerk of the court with the ~~vital statistics unit~~ bureau of vital records and health statistics in the state department of health and welfare.

(d<sub>4</sub>) Whenever an adoption decree is amended, annulled, or rescinded, the clerk of the court shall forward a certified copy of the amendment, annulment, or rescindment to the ~~vital statistics unit~~ bureau of vital records and health statistics in accordance with the time provisions in subsection (e<sub>3</sub>) of this section. Unless otherwise directed by the court, the ~~vital statistics unit~~ bureau of vital records and health statistics shall amend the certificate of birth upon receipt of a certified copy of an amended decree of adoption. Upon receipt of a certified copy of a decree of annulment or rescindment of adoption, the Idaho birth certificate shall be removed from the file and along with the decree of annulment or rescindment shall be placed in the sealed file for that person. Such sealed file shall not be subject to inspection except upon order of a court of record of this state.

(5) For adoptions that occur on or after July 1, 2022, the provisions of this section shall apply, except that:

(a) The natural or adoptive parentage of each parent shall be demonstrated as determined by the registrar on the face of a new birth certificate described in subsection (1) of this section; and

(b) A copy of the foreign birth certificate, if available, all medical and demographic information contained in the sealed file, and the report of adoption must be provided upon the signed request, on a form prescribed by the registrar, of the adoptee who is named on the birth certificate or such adoptee's legal representative, provided that:

- (i) The adoptee must be eighteen (18) years or older;  
(ii) The documents referenced in this paragraph will be released to the adult adoptee upon completion of the voluntary adoption registration process. In the event of a match on the voluntary adoption registry, a minimum thirty (30) day waiting period will apply, during which time a registered birth parent may:
1. Indicate a preferred method of contact, which method will be communicated to the adoptee at the time the documents are released;
  2. Request no contact, which request will be communicated to the adoptee at the time the documents are released; or
  3. Request that the registered birth parent's name be redacted before records are released, which request shall be effective for five (5) years. After the five (5) years have elapsed, the adoptee may again request documents according to this paragraph, and all provisions of this paragraph shall apply; and
- (iii) The bureau of vital records and health statistics is not obligated to provide court records to the adoptee under the provisions of this paragraph.

SECTION 3. That Section 39-259A, Idaho Code, be, and the same is hereby amended to read as follows:

39-259A. VOLUNTARY ADOPTION REGISTRY FOR PROVIDING LIMITED ACCESS TO BIRTH INFORMATION OF ADULT ADOPTEEES. (a) The state registrar of vital statistics shall establish and maintain a confidential list of qualified adult adoptees who have presented a consent regarding the release of identifying information about themselves. Any consent by a qualified adult adoptee shall be accompanied by the adoptee's desired method of notification in the event that a match occurs; however, the state shall not incur costs of notification in excess of that part of the fee charged to the applicant for the purpose of notification. Any consent shall also indicate whether the qualified adult adoptee desires release of his identifying information if a match occurs after his death. The qualified adult adoptee may revise his consent with respect to change of address or method of notification. Any name and accompanying information shall be removed from the list upon the verified written request of the listed adoptee. The registrar shall maintain a closed record of such list and accompanying information, except as provided in accordance with the provisions of this section.

(b) The state registrar of vital statistics shall establish and maintain a confidential list of qualified ~~birthparents~~ birth parents who have presented a consent regarding the release of identifying information about themselves. Any consent by a qualified ~~birthparent~~ birth parent shall be accompanied by the ~~birthparent's~~ birth parent's desired method of notification in the event that a match occurs; however, the state shall not incur costs of notification in excess of that part of the fee charged to the applicant for the purpose of notification. Any consent shall also indicate whether the qualified ~~birthparent~~ birth parent desires release of his identifying information if a match occurs after his death. The qualified ~~birthparent~~ birth parent may revise his consent with respect to change of address or method of notification. Any name and accompanying information shall be removed from the list upon the verified written request of the listed ~~birthparent~~ birth parent. The registrar shall maintain a closed record of such list and accompanying information, except as provided in accordance with the provisions of sections ~~39-258(h)~~, and ~~subsections (b), (c) and (d) of section 39-259(8) and 39-259(2), (3), and (4)~~, Idaho Code. Any ~~birthparent~~ birth parent who, in terminating his parental rights, used an alias and this alias is listed in the original sealed birth certificate, may

also file a consent with the registry. A ~~birthparent~~ birth parent shall not be matched with a qualified adult adoptee without the consent of the other ~~birthparent~~ birth parent unless:

(1) There is only one (1) ~~birthparent~~ birth parent listed on the birth certificate; or

(2) The other ~~birthparent~~ birth parent is deceased; or

(3) The other ~~birthparent~~ birth parent is unable to be located by the department of health and welfare or by a licensed child placement agency designated by the department of health and welfare, after a search, which shall consist, at a minimum, of a certified letter to the other ~~birthparent~~ birth parent at the last known address and a newspaper advertisement made in the county of the last known address; such search to be completed within ninety (90) days and the cost of said search to be fully funded and completed by the ~~birthparent~~ birth parent seeking a match; said search to be in accordance with the rules and regulations promulgated by the department.

(c) The state registrar of vital statistics shall establish and maintain a confidential list of qualified adult birth siblings who have presented a consent regarding the release of identifying information about themselves. Any consent by a qualified birth sibling shall be accompanied by the birth sibling's desired method of notification in the event that a match occurs; however, the state shall not incur costs of notification in excess of that part of the fee charged to the applicant for the purpose of notification. Any consent shall also indicate whether the qualified birth sibling desires release of his identifying information if a match occurs after his death. The qualified birth sibling may revise his consent with respect to change of address or method of notification. Any name and accompanying information shall be removed from the list upon the verified written request of the listed birth sibling. The registrar shall maintain a closed record of such list and accompanying information, except as provided in accordance with the provisions of section 39-258(~~h~~8) and 39-259 (~~b~~2), Idaho Code, and this section.

(d) The state registrar shall maintain a confidential list of relatives of deceased qualified adult adoptees and relatives of deceased qualified ~~birthparents~~ birth parents who have presented a consent regarding the release of identifying information about themselves. Any consent by such relative shall be accompanied by the person's desired method of notification in the event that a match occurs; however, the state shall not incur costs of notification in excess of that part of the fee charged to the applicant for the purpose of notification. Such relative may revise his consent with respect to change of address or method of notification. Any name and accompanying information shall be removed from the list upon the verified written request of the listed relative. The state registrar shall maintain a closed record of such list and accompanying information, except as provided in accordance with the provisions of this section.

(e) The state registrar shall regularly review the lists provided for in subsections (a), (b), (c), and (d) of this section, and any other nonsealed administrative files or records within the office to determine if there is a match. If it appears that a match has occurred, then and only then is the registrar authorized to proceed to confirm the match through recourse to sealed documents on file in the office of the registrar. When a match is confirmed, the registrar shall notify each party, by its designated method only, prior to an exchange of identifying information. Nothing in this section shall be construed to allow any state or local governmental department, agency, or institution, or any employee thereof, to solicit any consent for the release of identifying information.

(f) When a match is made and both the adopted person and the birthparent birth parent or parents, submit to the state registrar a notarized request for a copy of the original birth record of the adopted person, the state registrar shall issue such copy, marked "NOT FOR OFFICIAL USE", at the usual cost of certificate copies.

(g) Nothing in this section shall be construed to allow the registrar to issue a copy of the original birth certificate to any registrant, except as provided for in subsection (f) of this section.

(h) Except upon order of a court of record of this state and notwithstanding any other provision of law, the information acquired by the registry shall not be disclosed under its public records law, sunshine or freedom of information legislation, rules, or practice.

(i) The initial fee to be charged each person requesting that his name be placed on the list provided for in subsections (a), (b), (c) and (d) of this section, and for the services provided by the registrar in establishing and implementing the registry pursuant to this section, shall be ten dollars (\$10.00). Except for the cost of the search described in subsection (b) (3) of this section, the fee shall cover all direct and indirect costs incurred pursuant to this section. The state board of health and welfare shall annually review the fees and expenses incurred pursuant to this section and, as needed, adjust the fees charged to cover the expenses of administering the provisions of this section.

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 28, 2022

CHAPTER 283  
(H.B. No. 499)

AN ACT

RELATING TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO; AMENDING SECTION 59-1303, IDAHO CODE, TO PROVIDE FOR THE POLICE OFFICER MEMBER STATUS OF EMERGENCY COMMUNICATIONS OFFICERS AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 59-1303, Idaho Code, be, and the same is hereby amended to read as follows:

59-1303. POLICE OFFICER MEMBER STATUS. (1) As used in this chapter, each of the terms used in this section shall have the meaning given in this section unless a different meaning is clearly required by the context.

(2) Police officer membership status for retirement purposes may be fixed only by law.

(3) Members holding or filling the following positions or offices are designated by law as having police officer member status for retirement purposes during the time of their appointment to that position or during their term of office:

- (a) Idaho state police:
  - (i) The director and deputy director of the Idaho state police;
  - (ii) Commissioned and sworn troopers, specialists (detectives), and POST training coordinators;
  - (iii) Commissioned and sworn personnel in a supervisory capacity as major, captain, lieutenant, or sergeant; and
  - (iv) The commissioned state brand inspector, deputy brand inspectors, and brand inspector supervisors; and
  - (v) Emergency communications officers pursuant to section 19-5119, Idaho Code;
- (b) County law enforcement:
  - (i) County sheriffs;
  - (ii) "Peace officers" and "county detention officers" as defined in chapter 51, title 19, Idaho Code; and
  - (iii) Supervisory "peace officers" and "county detention officers" as defined in chapter 51, title 19, Idaho Code; and
  - (iv) Emergency communications officers pursuant to section 19-5119, Idaho Code;
- (c) City law enforcement:
  - (i) City police chiefs;
  - (ii) "Peace officers" as defined in chapter 51, title 19, Idaho Code; and
  - (iii) Supervisory "peace officers" as defined in chapter 51, title 19, Idaho Code; and
  - (iv) Emergency communications officers pursuant to section 19-5119, Idaho Code;
- (d) Conservation officers, the enforcement assistant chief, and enforcement bureau chief of the department of fish and game;
- (e) Department of correction:
  - (i) The director and deputy director of the department of correction, the division chief and deputy division chief for probation and parole, and the wardens and deputy wardens of institutions;
  - (ii) Correctional officers, presentence investigators, correctional officers in the supervisory capacity of lieutenant, sergeant, corporal, correctional specialist, correctional specialist supervisor, and correctional managers;
  - (iii) Probation and parole supervisors, probation and parole investigators, and probation and parole officers; and
  - (iv) Correctional peace officer training instructors;
- (f) Employees of the adjutant general and military division of the state where military membership is a condition of employment;
- (g) Magistrates of the district court; justices of the supreme court, judges of the court of appeals, and district judges who have made an election under section 1-2011, Idaho Code; and court employees designated by court order to have primary responsibility for court security or transportation of prisoners;
- (h) Employees whose primary function requires that they are certified by the Idaho department of health and welfare as an emergency medical technician-basic, an advanced emergency medical technician-ambulance, an emergency medical technician-intermediate, or an emergency medical technician-paramedic;
- (i) Criminal investigators of the attorney general's office, and criminal investigators of a prosecuting attorney's office;
- (j) The director of security and the criminal investigators of the Idaho state lottery.



(4) On and after July 1, 1985, no active member shall be classified as a police officer for retirement purposes unless the employer shall have certified to the board, on a form provided by the board, that such member is an employee whose primary position with the employer is one designated as such within the meaning of this chapter, and the board shall have accepted such certification. Acceptance by the board of an employer's certification shall in no way limit the board's right to review and reclassify the position for retirement purposes based upon an audit or other relevant information presented to the board. The board may carry out such acts as are necessary to enforce the provisions of this chapter.

(5) A member classified as a police officer for retirement purposes whose position is reclassified to that of a general member for retirement purposes as a result of a determination that the position does not meet the requirements of this chapter for police officer member status for retirement purposes shall become a general member. Excess employer and employee contributions shall be refunded to the employer by offsetting future contributions and the member's record shall be corrected. It shall be the employer's responsibility to refund employee contributions directly to the employee.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 28, 2022

CHAPTER 284  
(H.B. No. 583)

AN ACT

RELATING TO DIGITAL ASSETS; AMENDING TITLE 28, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 53, TITLE 28, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE SCOPE, TO DEFINE TERMS, TO PROVIDE FOR CLASSIFICATION OF DIGITAL ASSETS, TO PROVIDE FOR PURCHASE AND SALE OF DIGITAL ASSETS, AND TO PROVIDE FOR PERFECTION BY POSSESSION OR CONTROL; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Title 28, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 53, Title 28, Idaho Code, and to read as follows:

CHAPTER 53  
DIGITAL ASSETS

28-5301. SHORT TITLE. This chapter shall be known and may be cited as the "Digital Assets Act."

28-5302. SCOPE. This chapter defines the legal status of digital assets. Digital assets are subject to applicable laws or rules that apply to their business or activity.

28-5303. DEFINITIONS. As used in this chapter:

(1) "Adverse claim" means a claimant that has a property interest in a virtual currency or a right to payment evidenced by the virtual currency.

(2) "Control" means the ability to exclude others from the use of property and includes the following:

(a) A secured party, or an agent, custodian, fiduciary, or trustee of the party, that has complied with section 28-8-106, Idaho Code, including by means of a private key or the use of a multi-signature arrangement exclusive to the secured party or any substantially similar analogue; and

(b) A smart contract created by a secured party to comply with section 28-8-106, Idaho Code. As used in this paragraph, "smart contract" means an automated transaction as described in section 28-50-114, Idaho Code, or any substantially similar analogue comprised of code, script, or programming language that executes the terms of an agreement and may include taking custody of and transferring an asset or issuing executable instructions for these actions, based on the occurrence or nonoccurrence of specified conditions.

(3) "Digital asset" means a representation of economic, proprietary, or access rights that is stored in a computer-readable format and includes an open blockchain token, digital commodity, digital security, virtual currency, and any other controllable electronic record.

(4) "Digital security" means a digital asset that constitutes a security as defined in section 30-14-102, Idaho Code.

(5) "Multi-signature arrangement" means a system of access control relating to a digital asset for the purposes of preventing unauthorized transactions relating to the asset in which two (2) or more private keys are required to conduct a transaction or any other substantially similar analogue.

(6) "Possession" includes use of a private key, a multi-signature arrangement exclusive to the secured party, a smart contract as defined in this section, or any substantially similar analogue. "Possession" shall also include delivery of certificated digital securities consistent with section 28-8-301(1)(a), Idaho Code.

(7) "Private key" means a unique element of cryptographic data or any substantially similar analogue that is:

(a) Held by a person;

(b) Paired with a unique, publicly available element of cryptographic data; and

(c) Associated with an algorithm that is necessary to carry out an encryption or decryption required to execute a transaction.

(8) "Virtual currency" means a digital asset that is used as a medium of exchange, unit of account, or store of value.

28-5304. CLASSIFICATION OF DIGITAL ASSETS. Digital assets are intangible personal property and are classified as follows:

(1) Digital assets are intangible personal property and are general intangibles as defined in section 28-9-102, Idaho Code.

(2) Digital securities are intangible personal property and are investment property as defined in section 28-9-102, Idaho Code.

(3) Virtual currency is intangible personal property and is not a security, notwithstanding section 30-14-102, Idaho Code.

28-5305. PURCHASE AND SALE. (1) Digital assets may be purchased and sold in the same manner and subject to the same laws of this state as other personal property. A purchaser or seller may be identified in any way including by name, identifying number, private key, office, or account number.

(2) Except as provided in subsection (3) of this section, a purchaser takes a right to payment, right to performance or interest in property evidenced by a digital asset subject to a claim of a property right, right to payment, and right to performance or interest in property evidenced by the digital asset.

(3) An action based on a claim of a property right, right to performance, or right of payment may not be asserted against a qualified purchaser. For the purposes of this subsection, a qualified purchaser is a purchaser of a digital asset or an interest in a digital asset that obtains the digital asset for value, in good faith, and without notice of a claim of a property right in the digital asset.

28-5306. PERFECTION BY POSSESSION OR CONTROL. (1) Perfection by possession creates a possessory security interest under section 28-9-301, Idaho Code.

(2) A security interest held by a secured party having possession or control has priority over a security interest held by a secured party that does not have possession or control, as applicable. Other provisions of law relating to perfection and priority of security interests, including section 28-9-207, Idaho Code, and priority of control over delivery, shall apply, except that section 28-9-322(a) (1) and (b), Idaho Code, shall not apply.

(3) A person that acquires an interest in and obtains control of a virtual currency without notice of any adverse claim takes the interest in the virtual currency and in any right to payment evidenced by the virtual currency free of any adverse claim.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 28, 2022

CHAPTER 285  
(H.B. No. 589)

AN ACT

RELATING TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM; AMENDING SECTION 59-1303, IDAHO CODE, TO PROVIDE POLICE OFFICER MEMBER STATUS FOR JUVENILE DETENTION OFFICERS, JUVENILE PROBATION OFFICERS, AND ADULT MISDEMEANOR PROBATION OFFICERS AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 59-1303, Idaho Code, be, and the same is hereby amended to read as follows:

59-1303. POLICE OFFICER MEMBER STATUS. (1) As used in this chapter, each of the terms used in this section shall have the meaning given in this section unless a different meaning is clearly required by the context.

(2) Police officer membership status for retirement purposes may be fixed only by law.

(3) Members holding or filling the following positions or offices are designated by law as having police officer member status for retirement purposes during the time of their appointment to that position or during their term of office:

(a) Idaho state police:

- (i) The director and deputy director of the Idaho state police;
- (ii) Commissioned and sworn troopers, specialists (detectives), and POST training coordinators;
- (iii) Commissioned and sworn personnel in a supervisory capacity as major, captain, lieutenant, or sergeant; and
- (iv) The commissioned state brand inspector, deputy brand inspectors, and brand inspector supervisors;

(b) County law enforcement:

- (i) County sheriffs;
- (ii) "Peace officers" and "county detention officers" as defined in chapter 51, title 19, Idaho Code; and
- (iii) Supervisory "peace officers" and "county detention officers" as defined in chapter 51, title 19, Idaho Code;
- (iv) Juvenile detention officers;
- (v) Juvenile probation officers; and
- (vi) Adult misdemeanor probation officers;

(c) City law enforcement:

- (i) City police chiefs;
- (ii) "Peace officers" as defined in chapter 51, title 19, Idaho Code; and
- (iii) Supervisory "peace officers" as defined in chapter 51, title 19, Idaho Code;

(d) Conservation officers, the enforcement assistant chief, and enforcement bureau chief of the department of fish and game;

(e) Department of correction:

- (i) The director and deputy director of the department of correction, the division chief and deputy division chief for probation and parole, and the wardens and deputy wardens of institutions;
- (ii) Correctional officers, presentence investigators, correctional officers in the supervisory capacity of lieutenant, sergeant, corporal, correctional specialist, correctional specialist supervisor, and correctional managers;
- (iii) Probation and parole supervisors, probation and parole investigators, and probation and parole officers; and
- (iv) Correctional peace officer training instructors;

(f) Employees of the adjutant general and military division of the state where military membership is a condition of employment;

(g) Magistrates of the district court; justices of the supreme court, judges of the court of appeals, and district judges who have made an election under section 1-2011, Idaho Code; and court employees designated by court order to have primary responsibility for court security or transportation of prisoners;

(h) Employees whose primary function requires that they are certified by the Idaho department of health and welfare as an emergency medical technician-basic, an advanced emergency medical technician-ambulance, an emergency medical technician-intermediate, or an emergency medical technician-paramedic;

(i) Criminal investigators of the attorney general's office, and criminal investigators of a prosecuting attorney's office; and

(j) The director of security and the criminal investigators of the Idaho state lottery.

(4) On and after July 1, 1985, no active member shall be classified as a police officer for retirement purposes unless the employer shall have certified to the board, on a form provided by the board, that such member is an employee whose primary position with the employer is one designated as such within the meaning of this chapter, and the board shall have accepted such certification. Acceptance by the board of an employer's certification shall in no way limit the board's right to review and reclassify the position for retirement purposes based upon an audit or other relevant information presented to the board. The board may carry out such acts as are necessary to enforce the provisions of this chapter.

(5) A member classified as a police officer for retirement purposes whose position is reclassified to that of a general member for retirement purposes as a result of a determination that the position does not meet the requirements of this chapter for police officer member status for retirement purposes shall become a general member. Excess employer and employee contributions shall be refunded to the employer by offsetting future contributions and the member's record shall be corrected. It shall be the employer's responsibility to refund employee contributions directly to the employee.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 28, 2022

CHAPTER 286  
(H.B. No. 610)

AN ACT

RELATING TO COLLECTION AGENCIES; AMENDING SECTION 26-2223A, IDAHO CODE, TO REMOVE PROVISIONS REGARDING THE DESIGNATION OF A RESPONSIBLE PERSON AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 26-2224, IDAHO CODE, TO REVISE PROVISIONS REGARDING LICENSE APPLICATIONS, TO PROVIDE THAT A DEFICIENT APPLICATION SHALL BE DEEMED WITHDRAWN AND VOID IN CERTAIN INSTANCES, TO PROVIDE FOR WRITTEN NOTICE OF A DEFICIENT APPLICATION, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 26-2227, IDAHO CODE, TO REMOVE A PROVISION REGARDING DENIAL, SUSPENSION, OR REVOCATION OF A LICENSE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 26-2229A, IDAHO CODE, TO AUTHORIZE THE COLLECTION OF CERTAIN FEES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 26-2231, IDAHO CODE, TO REVISE PROVISIONS REGARDING RENEWAL OF A LICENSE AND TO PROVIDE FOR REINSTATEMENT OF AN EXPIRED LICENSE IN CERTAIN INSTANCES; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 26-2223A, Idaho Code, be, and the same is hereby amended to read as follows:

26-2223A. ~~COLLECTION AGENCY OFFICE REQUIREMENTS -- DESIGNATION OF RESPONSIBLE PERSON.~~ (1) Each licensee shall maintain a home office licensed under this act chapter as the licensee's principal location for collection activities. Each licensee must maintain a listed telephone number and must be open to the public during normal business hours on each business day, provided, however, that the director may in his discretion approve a request for opening during hours other than normal business hours or a portion of a business day. A business day within the meaning of this section does not include Saturdays, Sundays, or legal holidays.

~~(2) Each licensee shall designate a natural person, who meets the experience requirement of section 26-2224(6), Idaho Code, to be responsible for the collection activities carried on at each office of the licensee. If the person designated by the licensee for such purpose is not normally available at the licensee's designated location, then the licensee's collection activities in Idaho must begin with a written notice to each debtor setting forth a mailing address and a toll-free telephone number whereby a debtor may contact the designated responsible person during normal business hours.~~

SECTION 2. That Section 26-2224, Idaho Code, be, and the same is hereby amended to read as follows:

26-2224. LICENSE APPLICATION. (1) Every applicant for a license under this act chapter shall file with the director an application ~~in a form through an electronic system of licensing prescribed by the director that shall include:~~

(1a) The name of the applicant; if the applicant is a corporation, a list of its officers and directors and their addresses; if the applicant is a partnership, a list of the partners and their addresses; or if the applicant is a limited liability company, a list of its members or managers and their addresses.

(2b) The street address of the applicant's principal location.

(3c) All names by which the applicant engages in collection activities.

(4d) The names of all persons and organizations with which the applicant is affiliated, and the location of the principal office or place of business of each such affiliate.

(5e) A complete description of the business to be conducted, or plan of operation contemplated, by the applicant in this state.

~~(6) The name, address and qualifications of a natural person possessing a minimum of three (3) years of experience related to the business to be conducted under this act who will supervise the applicant's office locations from which business activities in this state will be conducted.~~

(7f) Copies of all contracts, forms, form letters, and advertisements or solicitations to be used by the applicant in its business activities under this act chapter, which must accompany the application and be identified as exhibits by number.

(8g) If the applicant is a corporation, a limited liability company, partnership, or limited liability partnership, a copy of its articles of incorporation, articles of organization, partnership agreement, or operating agreement, duly authenticated.

(9h) A list of the names, business addresses, and telephone numbers of all agents who will contact persons or solicit business for the applicant in this state.

(10i) The name and business address of the applicant's agent for service of process located in this state.

(11j) A nonrefundable application fee of one hundred fifty dollars (\$150).

(12k) An agreement of consent authorizing the director to examine any and all of the applicant's financial accounts used for business activities under this act chapter.

(131) Such other information concerning the applicant as the director may reasonably require. Such application shall be executed and verified on oath by the applicant. Information required at the time of application, except for advertisements and solicitations, shall be updated and filed with the director as necessary to keep the information current.

(2) A license application shall be deemed withdrawn and void if an applicant submits an incomplete license application and, after receipt of a written notice of the application deficiency, fails to provide the director with information necessary to complete the application within sixty (60) days of receipt of the deficiency notice. A written deficiency notice shall be deemed received by a license applicant when:

- (a) Placed in regular United States mail by the director or his agent using an address provided by the applicant on the license application;
- (b) Emailed to the applicant using an email address provided by the applicant on the license application; or
- (c) Posted by the director or his agent on the electronic system of licensing as prescribed by the director.

SECTION 3. That Section 26-2227, Idaho Code, be, and the same is hereby amended to read as follows:

26-2227. DENIAL, SUSPENSION, OR REVOCATION OF LICENSE. (1) An application for a license may be denied or, after notice and the opportunity for a hearing, a license may be suspended or revoked by the director if he finds that facts or conditions exist which that would have justified the director in refusing to grant a license had such facts or conditions been known to exist at the time the license was issued, or that the licensee or the applicant, or any officer, member, owner, manager, or agent of a licensee or applicant:

- (a) Has violated any provision of this act chapter, the federal fair debt collection practices act, 15 U.S.C. 1692 et seq., as amended, or any rule or order of the director under this act chapter;
- (b) Is not legally qualified to do business in this state;
- ~~(c) Has failed to retain a natural person with three (3) years of experience related to the type of business conducted by the licensee under this act to supervise each office from which business activities are conducted under this act;~~
- ~~(d) Has failed, refused, or neglected to pay or remit to any creditor client the agreed portion of any sum collected by the applicant or licensee on any bill, claim, account, or other indebtedness entrusted to such applicant or licensee for collection;~~
- ~~(ed) Has failed to return to a debtor an amount that was not owed on his debt;~~
- ~~(fe) Has made a material misstatement in the application for such license or renewal;~~
- ~~(gf) Has obtained or attempted to obtain a license or renewal by fraud or misrepresentation;~~
- ~~(hg) Has misappropriated or converted to his own use or improperly withheld moneys collected or held for any other person, except that a collection agency licensee may convert into business funds his portion of any moneys collected on behalf of a creditor client, pursuant to a written agreement with the creditor client and in compliance with this act chapter;~~
- ~~(ih) Has falsely represented himself as a licensee for the purpose of soliciting for or representing any business covered in this act chapter;~~

(ji) Has been convicted of, or a court of competent jurisdiction has entered a withheld judgment for, a crime ~~that is~~ deemed relevant in accordance with section 67-9411(1), Idaho Code, including a crime involving financial wrongdoing;

(kj) Has had a license substantially equivalent to a license under this act chapter issued by another state revoked, suspended, or denied; or

(lk) Demonstrates a lack of fitness to engage in business activities authorized for a licensee under this act chapter.

(2) The director may, after notice and the opportunity for a hearing, impose upon any licensee, or person required to be licensed under this act chapter, a civil penalty of not more than five thousand dollars (\$5,000) for each violation of this act chapter.

(3) The director may, after notice and the opportunity for a hearing, impose upon a licensee, or person required to be licensed under this act chapter, any sanction authorized by this section if the director finds that an agent of the licensee, or person required to be licensed under this act chapter, has violated any provision of this act chapter.

(4) The director may, in his discretion and by an order issued in accordance with chapter 52, title 67, Idaho Code, prohibit a licensee from using an individual as an agent if the individual has violated any provision of this act chapter or any similar statute or rule of another state.

(5) Any denial, suspension, or revocation of any license issued under this act chapter shall be governed by chapter 52, title 67, Idaho Code.

SECTION 4. That Section 26-2229A, Idaho Code, be, and the same is hereby amended to read as follows:

26-2229A. REQUIREMENT OF FAIR, OPEN, AND HONEST DEALING -- PROHIBITED PRACTICES. (1) Every licensee or person required to be licensed under this act chapter and its agents shall deal openly, fairly, and honestly without deception in the conduct of its business activities in this state under this act chapter.

(2) When not inconsistent with the statutes of this state, the provisions of the federal fair debt collection practices act, 15 U.S.C. section 1692, et seq., as amended, may be enforced by the director against collection agencies licensed or required to be licensed under the provisions of this act chapter.

(3) In every instance where a collection agency licensee has a managerial or financial interest in a creditor client, or where a creditor client has a managerial or financial interest in a collection agency licensee, disclosure of such interest must be made on each and every contact with a debtor in seeking to make a collection of any account, claim, or other indebtedness.

(4) No collection agency licensee, or collection agency required to be licensed under this act chapter, or agent of such collection agency shall collect or attempt to collect any interest or other charges, fees, or expenses incidental to the principal obligation unless such interest or incidental fees, charges, or expenses:

(a) Are expressly authorized by statute;

(b) Are allowed by court ruling against the debtor;

(c) Are expressly authorized by the agreement creating the debt, except as otherwise prohibited by law. Provided, however, that no person shall collect any attorney's fees or litigation costs unless such attorney's fees or litigation costs are reasonable, are for actual attorney services performed, and are limited to those costs actually incurred;

(d) Have been judicially determined;

(de) Are provided for in a written form agreement, that is signed by both the debtor and the licensee, and which has the prior approval of the director with respect to the terms of the agreement and amounts of the fees, interest, charges, and expenses; or



(ef) Reasonably relate to the actual cost associated with processing a demand draft or other form of electronic payment on behalf of a debtor for a debt payment, provided that the debtor has preauthorized the method of payment and has been notified in advance that such payment may be made by reasonable alternative means that will not result in additional charges, fees, or expenses to the debtor.

(5) No person shall sell, distribute, or make use of solicitations, collection letters, demand forms, or other printed matter which that are made similar to or resemble governmental forms or documents, or legal forms used in civil or criminal proceedings.

(6) No person shall use any trade name, address, insignia, picture, emblem, or any other means which that creates any impression that such person is connected with or is an agency of government.

(7) No person licensed, or required to be licensed under this act, chapter shall misappropriate, transfer, or convert to his own use or benefit, funds belonging to or held for another person in connection with business activities authorized under this act, chapter.

(8) No credit repair organization licensed, or required to be licensed under this act, chapter shall charge or receive money or other valuable consideration for the performance of any service which the credit repair organization has agreed to perform for any consumer before such service is fully performed.

(9) No person licensed or required to be licensed under this act, chapter shall make a representation or statement of material fact, or omit to state a material fact, in connection with the offer, sale, or performance of any service authorized under this act, chapter, if the representation, statement, or omission is false or misleading or has the tendency or capacity to be misleading.

SECTION 5. That Section 26-2231, Idaho Code, be, and the same is hereby amended to read as follows:

26-2231. RENEWAL OF LICENSE -- REINSTATEMENT. (1) On or before the ~~fifteenth day of March~~ December 31 of each year, each licensee shall pay to the director a nonrefundable license renewal fee of one hundred dollars (\$100) and shall file with, through an electronic system of licensing as prescribed by the director, a license renewal form providing complete information as required by the director.

(2) Failure to fully comply with the license renewal requirements of this section by the ~~fifteenth day of March~~ December 31 of each year shall result in automatic expiration of the license as of that date.

(3) The director may reinstate an expired license within sixty (60) days immediately following license expiration if the director finds that the applicant meets the requirements for licensure under this chapter and after submission to the director of:

(a) A complete application for renewal;

(b) The fee required to apply for license renewal, unless previously paid; and

(c) A reinstatement fee of fifty dollars (\$50.00).

SECTION 6. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 28, 2022

CHAPTER 287  
(H.B. No. 629)

AN ACT

RELATING TO THE IDAHO ADMINISTRATIVE PROCEDURE ACT; AMENDING SECTION 67-5201, IDAHO CODE, TO DEFINE TERMS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-5206, IDAHO CODE, TO REVISE PROVISIONS REGARDING RULEMAKING; AMENDING SECTION 67-5240, IDAHO CODE, TO PROVIDE THAT ISSUANCE OF ORDERS BY CERTAIN ENTITIES SHALL NOT RESULT IN A CONTESTED CASE GOVERNED BY THE PROVISIONS OF SPECIFIED LAW; AMENDING SECTION 67-5252, IDAHO CODE, TO PROVIDE THAT IN CERTAIN CIRCUMSTANCES NO PARTY SHALL HAVE THE RIGHT TO A DISQUALIFICATION WITHOUT CAUSE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 52, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5280, IDAHO CODE, TO PROVIDE FOR THE OFFICE OF ADMINISTRATIVE HEARINGS AND TO PROVIDE FOR POWERS AND DUTIES; AMENDING CHAPTER 52, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5281, IDAHO CODE, TO PROVIDE FOR THE CHIEF ADMINISTRATIVE HEARING OFFICER; AMENDING CHAPTER 52, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5282, IDAHO CODE, TO PROVIDE FOR DUTIES AND PROHIBITED CONDUCT OF THE CHIEF ADMINISTRATIVE HEARING OFFICER; AMENDING CHAPTER 52, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5283, IDAHO CODE, TO PROVIDE FOR HEARING OFFICER QUALIFICATIONS AND TO PROVIDE FOR POWERS AND DUTIES; AMENDING CHAPTER 52, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5284, IDAHO CODE, TO PROVIDE FOR THE COOPERATION OF AGENCIES; AMENDING CHAPTER 52, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5285, IDAHO CODE, TO PROVIDE FOR THE OFFICE OF ADMINISTRATIVE HEARINGS, TO PROVIDE FOR COST ESTIMATES, AND TO PROVIDE FOR THE ASSESSMENT OF RECIPIENT AGENCIES; AMENDING CHAPTER 52, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5286, IDAHO CODE, TO PROVIDE FOR THE CONDUCT OF CONTESTED CASE PROCEEDINGS, TO PROVIDE FOR THE SUBMISSION OF CERTAIN MATERIAL BY THE DEPARTMENT OF HEALTH AND WELFARE TO THE CENTERS FOR MEDICARE AND MEDICAID SERVICES, TO AUTHORIZE CERTAIN OVERSIGHT, AND TO PROVIDE FOR EXTENSION OF COMMENCEMENT OF SPECIFIED CONTESTED CASE HEARINGS UNDER A CERTAIN CONDITION; AMENDING SECTION 58-122, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 67-5201, Idaho Code, be, and the same is hereby amended to read as follows:

67-5201. DEFINITIONS. As used in this act chapter:

- (1) "Administrative code" means the Idaho administrative code established in this chapter.
- (2) "Agency" means each state board, commission, department or officer authorized by law to make rules or to determine contested cases, but does not include the legislative or judicial branches, executive officers listed in section 1, article IV, of the constitution of the state of Idaho in the exercise of powers derived directly and exclusively from the constitution, the state militia or the state board of correction.
- (3) "Agency action" means:
  - (a) The whole or part of a rule or order;
  - (b) The failure to issue a rule or order; or
  - (c) An agency's performance of, or failure to perform, any duty placed on it by law.

(4) "Agency head" means an individual or body of individuals in whom the ultimate legal authority of the agency is vested by any provision of law.

(5) "Bulletin" means the Idaho administrative bulletin established in this chapter.

(6) "Chief administrative hearing officer" means the administrator of the office of administrative hearings created pursuant to section 67-5280, Idaho Code.

(7) "Contested case" means a proceeding which that results in the issuance of an order.

(78) "Coordinator" means the administrative rules coordinator prescribed in section 67-5202, Idaho Code.

(89) "Document" means any executive order, notice, rule or statement of policy of an agency.

(910) "Final rule" means a rule that has been adopted by an agency under the regular rulemaking process and is in effect.

(11) "Hearing officer" means the chief administrative hearing officer and any hearing officers appointed by him pursuant to sections 67-5281 through 67-5283, Idaho Code, or a person appointed by an agency or board to hear a contested case.

(102) "License" means the whole or part of any agency permit, certificate, approval, registration, charter, or similar form of authorization required by law, but does not include a license required solely for revenue purposes.

(113) "Official text" means the text of a document issued, prescribed, or promulgated by an agency in accordance with this chapter, and is the only legally enforceable text of such document. Judicial notice shall be taken of all documents issued, prescribed, or promulgated in accordance with this chapter.

(124) "Order" means an agency action of particular applicability that determines the legal rights, duties, privileges, immunities, or other legal interests of one (1) or more specific persons.

(135) "Party" means each person or agency named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party.

(146) "Pending rule" means a rule that has been adopted by an agency under the regular rulemaking process and remains subject to legislative review.

(157) "Person" means any individual, partnership, corporation, association, governmental subdivision or agency, or public or private organization or entity of any character.

(168) "Proposed rule" means a rule published in the bulletin as provided in section 67-5221, Idaho Code.

(179) "Provision of law" means the whole or a part of the state or federal constitution, or of any state or federal:

(a) Statute; or

(b) Rule or decision of court.

(~~1820~~) "Publish" means to bring before the public by publication in the bulletin or administrative code, by electronic means or as otherwise specifically provided by law.

(~~1921~~) "Rule" means the whole or a part of an agency statement of general applicability that has been promulgated in compliance with the provisions of this chapter and that implements, interprets, or prescribes:

(a) Law or policy; or

(b) The procedure or practice requirements of an agency. The term includes the amendment, repeal, or suspension of an existing rule, but does not include:

(i) Statements concerning only the internal management or internal personnel policies of an agency and not affecting private rights of the public or procedures available to the public; or

- (ii) Declaratory rulings issued pursuant to section 67-5232, Idaho Code; or
- (iii) Intra-agency memoranda; or
- (iv) Any written statements given by an agency which that pertain to an interpretation of a rule or to the documentation of compliance with a rule.

(202) "Rulemaking" means the process for formulation, adoption, amendment or repeal of a rule.

(213) "Standard" means a manual, guideline, criterion, specification, requirement, measurement or other authoritative principle providing a model or pattern in comparison with which the correctness or appropriateness of specified actions, practices or procedures may be determined.

(224) "Submitted for review" means that a rule has been provided to the legislature for review at a regular or special legislative session as provided in section 67-5291, Idaho Code.

(235) "Temporary rule" means a rule authorized by the governor to become effective before it has been submitted to the legislature for review and which that expires by its own terms or by operation of law no later than the conclusion of the next succeeding regular legislative session unless extended or replaced by a final rule as provided in section 67-5226, Idaho Code.

SECTION 2. That Section 67-5206, Idaho Code, be, and the same is hereby amended to read as follows:

67-5206. PROMULGATION OF RULES IMPLEMENTING ADMINISTRATIVE PROCEDURE ACT. (1) In accordance with the rulemaking requirements of this chapter, the administrative rules coordinator shall promulgate rules implementing the provisions of sections 67-5203, 67-5204 and 67-5205, Idaho Code. The rules shall:

- (a) ~~e~~Establish a uniform numbering system applicable to rules adopted by all agencies;
- (b) ~~e~~Establish a uniform style and format applicable to rules adopted by all agencies;
- (c) ~~e~~Establish a publication schedule for the bulletin and the administrative code, including deadlines for the submission of documents to be included within each publication;
- (d) ~~e~~Establish a uniform indexing system for agency orders; and
- (e) ~~i~~Include such other rules as the coordinator deems necessary to implement the provisions of sections 67-5203, 67-5204 and 67-5205, Idaho Code, and this section.

(2) In accordance with the rulemaking requirements of this chapter, the attorney general shall promulgate rules of procedure appropriate for use by as many agencies as possible. The rules shall deal with all general functions and duties performed in common by several agencies.

(3) In accordance with the rulemaking requirements of this chapter, the attorney general shall promulgate rules implementing the provisions of sections 67-5220 through 67-5232, Idaho Code. The rules shall specify:

- (a) ~~t~~The form and content for petitions requesting an opportunity for an oral presentation in a substantive rulemaking;
- (b) ~~p~~Procedures for the creation of a record of comments received at any oral presentation;
- (c) ~~t~~The standards by which exemptions from regular rulemaking requirements will be authorized to correct typographical errors, transcription errors, or clerical errors;
- (d) ~~t~~The form and content for a petition for the adoption of rules and the procedure for its submission, consideration and disposition;
- (e) ~~p~~Procedures to facilitate negotiated rulemaking;

(f) ~~the~~ form and content of a petition for a declaratory ruling on the applicability of statutes or regulations; and

(g) ~~such~~ other provisions as may be necessary or useful.

(4) In accordance with the ~~rule-making~~ rulemaking requirements of this chapter, the attorney general shall promulgate rules implementing the provisions of sections 67-5240 through 67-5255, Idaho Code. The rules shall specify:

(a) ~~form~~ and content to be employed in giving notice of a contested case;

(b) ~~procedures~~ and standards required for intervention in a contested case;

(c) ~~procedures~~ for prehearing conferences;

(d) ~~format~~ for pleadings, briefs, and motions;

(e) ~~the~~ method by which service shall be made;

(f) ~~procedures~~ for the issuance of subpoenas, discovery orders, and protective orders if authorized by other provisions of law;

(g) ~~qualifications for persons seeking to act as a hearing officer;~~

~~(h) qualifications for persons seeking to act as a representative for parties to contested cases;~~

~~(i) procedures to facilitate informal settlement of matters; and~~

~~(j) procedures for placing ex parte contacts on the record; and~~

~~(k) such other provisions as may be necessary or useful.~~

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

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

(6) With respect to contested cases and other proceedings conducted by the office of administrative hearings as authorized by this chapter, rules promulgated by the attorney general or any agency pursuant to subsection (4) of this section shall remain in full force and effect, except with respect to hearing officer qualifications, until such time as the office of administrative hearings promulgates replacement rules, and thereafter such rules of the office of administrative hearings shall govern unless otherwise required by governing federal law.

SECTION 3. That Section 67-5240, Idaho Code, be, and the same is hereby amended to read as follows:

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

SECTION 4. That Section 67-5252, Idaho Code, be, and the same is hereby amended to read as follows:

67-5252. PRESIDING OFFICER -- DISQUALIFICATION. (1) Except as provided in subsection (4) of this section, any party shall have the right to one (1) disqualification without cause of any person serving or designated to serve as presiding officer, and any party shall have a right to move to disqualify for bias, prejudice, interest, substantial prior involvement in the matter other than as a presiding officer, status as an employee of the agency hearing the contested case, lack of professional knowledge in the subject matter of the contested case, or any other cause provided in this chapter or any cause for which a judge is or may be disqualified.

(2) Any party may petition for the disqualification of a person serving or designated to serve as presiding officer:

(a) ~~w~~Within fourteen (14) days after receipt of notice indicating that the person will preside at the contested case; or

(b) ~~p~~Promptly upon discovering facts establishing grounds for disqualification, whichever is later.

Any party may assert a blanket disqualification for cause of all employees of the agency hearing the contested case, other than the agency head, without awaiting designation of a presiding officer.

(3) A person whose disqualification for cause is requested shall determine in writing whether to grant the petition, stating facts and reasons for the determination.

(4) ~~Where~~ When disqualification of the agency head or a member of the agency head would result in an inability to decide a contested case, the actions of the agency head shall be treated as a conflict of interest under the provisions of section 74-404, Idaho Code.

(5) ~~Where~~ When a decision is required to be rendered within fourteen (14) weeks of the date of a request for a hearing by state or federal statutes or rules and regulations, or when the presiding officer is the chief administrative hearing officer or appointed by the chief administrative hearing officer as defined in section 67-5201, Idaho Code, no party shall have the right to a disqualification without cause.

SECTION 5. That Chapter 52, 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 67-5280, Idaho Code, and to read as follows:

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

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

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

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

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

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

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

SECTION 6. That Chapter 52, 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 67-5281, Idaho Code, and to read as follows:

67-5281. CHIEF ADMINISTRATIVE HEARING OFFICER -- APPOINTMENT -- QUALIFICATIONS -- REMOVAL -- SALARY. (1) A chief administrative hearing officer shall be appointed by the governor and confirmed by the senate to serve a four (4) year term. A person may be reappointed to serve additional terms. Provided, however, there is no right to reappointment.

(2) The chief administrative hearing officer must meet the following qualifications on the effective date of his appointment:

- (a) Be at least thirty (30) years of age;
- (b) Be a citizen of the United States;
- (c) Have held a license to practice law or held a judicial office in one (1) or more jurisdictions of the United States for at least five (5) continuous years immediately preceding such appointment; and
- (d) Be or become an active member of the Idaho state bar within one (1) year of appointment and remain an active member in good standing thereafter.

(3) If the chief administrative hearing officer resigns, dies, or is removed from office as provided in this section, the governor shall appoint a person who meets the qualifications established in this section, subject to confirmation by the senate, to fill the unexpired term.

(4) The chief administrative hearing officer may be removed from office by the governor for failing to retain those qualifications of his office established in subsection (2) of this section, for engaging in prohibited conduct established in section 67-5282 (2), Idaho Code, or for good cause shown. Before such removal, the governor shall give the chief administrative hearing officer a written copy of the charges against him, provide him an opportunity to submit a response no fewer than fourteen (14) calendars days thereafter, and may provide him such other process as the governor deems appropriate. If the chief administrative hearing officer is removed, the governor shall provide the house of representatives and the senate written notice of the removal, the effective date of removal, and the reason or reasons therefor.

SECTION 7. That Chapter 52, 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 67-5282, Idaho Code, and to read as follows:

67-5282. DUTIES AND PROHIBITED CONDUCT OF THE CHIEF ADMINISTRATIVE HEARING OFFICER. (1) The chief administrative hearing officer shall:

- (a) Serve as the administrator of the office of administrative hearings;
- (b) Conduct such contested case proceedings and such other proceedings as are conducted by the office of administrative hearings in accordance with section 67-5280 (2) (a) and (b), Idaho Code;
- (c) Devote full-time to the office of administrative hearings and his obligations as chief administrative hearing officer;
- (d) Subject to applicable law and regulation, appoint, supervise, and remove hearing officers and staff as he deems appropriate to the proper functioning of the office of administrative hearings, determine the duties of such appointees as he deems appropriate, and, from among the hearing officers employed by the office of administrative hearings, designate a deputy chief administrative hearing officer to act in place of the chief administrative hearing officer when the chief administrative hearing officer is unable to perform his duties;
- (e) Promulgate rules to implement the provisions of sections 67-5280 through 67-5286, Idaho Code;

(f) Establish a hearing officer code of conduct that shall, among other things, provide for independent and unbiased decision-making by hearing officers both as perceived and in fact and provide for a system to monitor compliance with, and sanction violations of, the hearing officer code of conduct;

(g) Protect and ensure the decisional independence of hearing officers;

(h) Implement a system for monitoring the quality of contested case proceedings and such other proceedings as are conducted by the office of administrative hearings in accordance with section 67-5280(2)(a) and (b), Idaho Code;

(i) At his discretion, unless otherwise prohibited by state or federal law, retain independent contractor hearing officers at reasonable and consistent rates of compensation; provided that an independent contractor hearing officer with specialized expertise may be compensated at a higher rate if such expertise is necessary to the proper adjudication of the case and such higher rate of compensation is necessary in order to obtain such expertise; and

(j) Contract with agencies to conduct such adjudicatory hearings, mediations, and arbitrations authorized by section 67-5280(2)(b), Idaho Code.

(2) The chief administrative hearing officer shall not:

(a) Engage in the practice of law outside of his role in the office of administrative hearings;

(b) Hold, or be a candidate for, any federal, state, county, municipal, district, or other elective office;

(c) Serve as the agent, representative, officer, political treasurer, or employee, whether for profit or otherwise, of any political party, political committee, or candidate, whether as defined in either chapter 1, title 34, or chapter 66, title 67, Idaho Code, or otherwise; and

(d) Hold any other public or private-sector position, whether for profit or otherwise, except for volunteer positions that are not inconsistent with his duties as chief administrative hearing officer.

SECTION 8. That Chapter 52, 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 67-5283, Idaho Code, and to read as follows:

67-5283. HEARING OFFICER QUALIFICATIONS -- POWERS -- DUTIES. (1) The chief administrative hearing officer and hearing officers appointed by the chief administrative hearing officer shall:

(a) On the effective date of their appointments and throughout their tenure, meet and retain all of the qualifications specified in section 67-5281(2), Idaho Code;

(b) Take the oath of office as prescribed in chapter 4, title 59, Idaho Code;

(c) Comply with the hearing officer code of conduct;

(d) Not engage in the conduct prohibited in section 67-5282(2), Idaho Code. Provided, however, to the extent that it does not create a conflict of interest, the code of conduct may be waived for some or all of these prohibitions for contractor hearing officers; and

(e) Be deemed the presiding officers of contested case proceedings and other proceedings conducted by the office of administrative hearings and assigned to them and have the power to issue subpoenas, administer oaths, control the course of the proceedings, order the use of alternative dispute resolution with the parties' consent, enter such awards for costs and attorney's fees as authorized by law, and perform other necessary and appropriate acts in the performance of their duties with respect to such cases.



(2) (a) Independent contractors may be hired as hearing officers without the limitation on outside work or outside practice of law, provided that:

(i) A disclosure is filed with the chief administrative hearing officer that states in what other outside work the independent contractor is engaged;

(ii) The independent contractor does not engage in outside work presenting a conflict of interest; and

(iii) The independent contractor discloses such other information as required by the code of conduct.

(b) If a failure to comply with the requirements of this subsection by an independent contractor is brought to the attention of the chief administrative hearing officer within thirty (30) days of the issuance of the independent contractor hearing officer's order, the chief administrative hearing officer shall declare such order void and of no effect within fourteen (14) days. The chief administrative hearing officer shall be permitted to issue a stay while he investigates the issue of failure to comply if the order involves a financial transaction.

(3) Those individuals serving as hearing officers in the office of the attorney general for department of health and welfare contested case hearings on December 31, 2023, shall have the option to be appointed hearing officers when the office of administrative hearings begins conducting such hearings on January 1, 2024, as provided by section 67-5286, Idaho Code, if they meet the hearing officer qualifications requirements set forth in this section and if such hearing officer positions are available in the office of administrative hearings on an employment or independent contractor basis.

SECTION 9. That Chapter 52, 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 67-5284, Idaho Code, and to read as follows:

67-5284. COOPERATION OF AGENCIES. No agency or state officer, other than the chief administrative hearing officer, shall attempt to influence the selection of a hearing officer for a contested case proceeding or any other matter, except mediations, and the chief administrative hearing officer shall not permit any such influence; provided that agencies and state officers may inform the office of administrative hearings in writing of their views regarding:

(1) Expertise needed or desired with respect to types of potential contested cases;

(2) Proposed rules under consideration for adoption by the office of administrative hearings;

(3) Legislation or rules under consideration or being proposed by the office of administrative hearings;

(4) Legislation or rules under consideration or being proposed by such agencies or state officers; and

(5) Alleged violations of the code of conduct.

SECTION 10. That Chapter 52, 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 67-5285, Idaho Code, and to read as follows:

67-5285. OFFICE OF ADMINISTRATIVE HEARINGS -- COST ESTIMATES -- ASSESSMENT OF RECIPIENT AGENCIES. (1) The office of administrative hearings shall prepare an estimate of costs for state budgeting purposes for services provided by the office of administrative hearings. The office of administrative hearings shall notify the division of financial management of such estimated costs by August 29 of each fiscal year. The division of financial management shall notify all state agencies of these cost estimates for the next fiscal year on or before October 1 of each fiscal year. The division of financial management and the legislative services office shall allow state agencies to modify their budget requests in response to such estimates.

(2) The office of administrative hearings shall assess each recipient agency the amounts allocated for services provided. Amounts so assessed shall be separately accounted for and can be expended only after legislative appropriation. Such amount shall be paid by each state entity in the succeeding fiscal year to the indirect cost recovery fund. Before June 30 of each fiscal year, the state controller shall transfer an amount equal to such deposits to the state general fund.

SECTION 11. That Chapter 52, 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 67-5286, Idaho Code, and to read as follows:

67-5286. CONDUCT OF CONTESTED CASE PROCEEDINGS. (1) Notwithstanding any other provision of this chapter, the office of administrative hearings shall not conduct contested case proceedings until January 1, 2023. Contested case proceedings commenced prior to that date shall proceed under the law as it existed as of June 30, 2022, unless the hearing for such contested case did not commence prior to January 1, 2023. Provided, however, the office of administrative hearings shall not conduct department of health and welfare contested case hearings until January 1, 2024, and such hearings commenced prior to that date shall be completed by the department of health and welfare.

(2) The department of health and welfare shall expeditiously submit to the centers for medicare and medicaid services (CMS) all that may be required for CMS to approve the conduct of department of health and welfare contested case hearings by the office of administrative hearings commencing on January 1, 2024, as provided for in subsections (1) and (3) of this section, including but not limited to state plan amendments, waivers, and memorandums of agreement. The governor, by and through the director of the department of health and welfare, shall retain the authority to exercise appropriate oversight of hearings necessary to comply with requirements described in 42 U.S.C. 1396a and related regulations.

(3) The governor may, after notice to the chief administrative hearing officer, extend the date on which the office of administrative hearings is to commence conducting department of health and welfare contested case hearings as provided for in subsection (1) of this section until CMS has approved the conduct of hearings by the office of administrative hearings.

SECTION 12. That Section 58-122, Idaho Code, be, and the same is hereby amended to read as follows:

58-122. CONTESTED CASES -- PROCEDURE. It shall be the duty of the director of the department of lands in any or all contested cases, at the direction of the board, to appoint hearing officers, receive evidence, issue subpoenas and to hold contested case hearings in accordance with sections 67-5240 through 67-5271, Idaho Code, when hearings are necessary and witnesses may be required to be examined. Provided however, that when the state board of land commissioners is exercising its duties and authorities concerning the direction, control or disposition of the public lands of the state pursuant to sections 7 and 8, article IX, of the constitution of the state of Idaho, such actions shall not be considered to be contested cases as defined in ~~subsection (6) of~~ section 67-5201, Idaho Code, and section 67-5240, Idaho Code, unless the board, in its discretion, determines that a contested case hearing would be of assistance to the board in the exercise of its duties and authorities.

SECTION 13. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 28, 2022

#### CHAPTER 288

(H.B. No. 650, As Amended in the Senate)

#### AN ACT

RELATING TO SCHOOL DISTRICT TRUSTEES; AMENDING SECTION 33-512A, IDAHO CODE, TO REVISE PROVISIONS REGARDING CURRICULAR MATERIALS ADOPTION COMMITTEES; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 33-512A, Idaho Code, be, and the same is hereby amended to read as follows:

33-512A. DISTRICT CURRICULAR MATERIALS ADOPTION COMMITTEES. The board of trustees of each school district ~~may~~ shall appoint a curricular materials adoption committee to advise the board on selection of curricular materials, as defined in section 33-118A, Idaho Code, for use within the schools of the district. Such a committee shall contain a membership at ~~least one-fourth (1/4)~~ one-half (1/2) of which is persons who are not public educators or school trustees and shall include parents of a child or children attending a school or schools within the school district. All meetings of the committee shall be open to the public and any member of the public may attend such a meeting and file written or make oral objections to any curricular materials under consideration. Each school district shall have on hand and available to the public the titles, authors and publishers of all curricular materials being used in the district. The public has the right to inspect the instructional materials, except students' tests, used in the district's schools.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 28, 2022

CHAPTER 289  
(H.B. No. 688)

AN ACT

RELATING TO THE STATE-DIRECTED OPIOID SETTLEMENT FUND; AMENDING SECTION 57-825, IDAHO CODE, TO REVISE A PROVISION REGARDING USE OF MONEYS IN THE FUND, TO PROVIDE THAT THE IDAHO BEHAVIORAL HEALTH COUNCIL SHALL MAKE RECOMMENDATIONS TO THE GOVERNOR REGARDING THE USE OF MONEYS, TO REMOVE A PROVISION REGARDING A SUNSET DATE, AND TO PROVIDE THAT RECOMMENDATIONS TO THE GOVERNOR MUST BE MADE BY A CERTAIN DATE; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 57-825, Idaho Code, be, and the same is hereby amended to read as follows:

57-825. STATE-DIRECTED OPIOID SETTLEMENT FUND -- USE OF FUND MONEYS -- RECOMMENDATIONS. (1) There is hereby established in the state treasury the state-directed opioid settlement fund, to be managed by the state treasurer. Moneys in the fund shall consist of:

- (a) Moneys received by the state of Idaho pursuant to settlements and judgments obtained by the state relating to opioids;
- (b) Legislative appropriations to the fund;
- (c) Any bequests or donations to the fund; and
- (d) Interest earned on idle moneys in the fund.

(2) Moneys in the state-directed opioid settlement fund shall be used as determined by legislative appropriation, provided that such moneys must be used only in accordance with the terms of the applicable settlement or judgment and for purposes relating to opioid abuse prevention and recovery programs.

(3) The Idaho behavioral health council shall meet as necessary and make recommendations to the governor and the joint finance-appropriations committee as to how moneys from the state-directed opioid settlement fund should be used. The provisions of this subsection shall be effective until July 29, 2024. Such recommendations must be submitted to the governor on or before September 1 in the year before the legislative session in which the Idaho behavioral health council recommendations are presented to the joint finance-appropriations committee.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 28, 2022

CHAPTER 290  
(H.B. No. 749)

AN ACT

RELATING TO THE LEMHI BASIN; AMENDING CHAPTER 2, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-251, IDAHO CODE, TO PROVIDE FOR LEGISLATIVE FINDINGS, TO PROVIDE FOR STREAM FLOW MAINTENANCE APPLICATIONS, TO PROVIDE FOR QUANTITY OF RIGHT, TO PROVIDE FOR PROOF OF BENEFICIAL USE, TO PROVIDE FOR COMPREHENSIVE SETTLEMENT, AND TO PROVIDE FOR NOTICE; AMENDING CHAPTER 15, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-1506A, IDAHO CODE, TO PROVIDE FOR A CERTAIN MINIMUM STREAM FLOW WATER RIGHT; AMENDING CHAPTER 15, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-1506B, IDAHO CODE, TO PROVIDE FOR CERTAIN MINIMUM STREAM FLOW APPROPRIATIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 2, Title 42, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 42-251, Idaho Code, and to read as follows:

42-251. APPROPRIATION OF UNAPPROPRIATED FLOWS FOR LEMHI BASIN STREAM FLOW MAINTENANCE -- LEGISLATIVE FINDINGS OF FACT CONCERNING HISTORIC USE OF HIGH FLOWS IN THE LEMHI RIVER BASIN AND NEED FOR PROTECTION AND EFFECTIVE MANAGEMENT OF SUCH USE. (1) Legislative Findings.

(a) In the absence of storage reservoirs in the Lemhi Basin, the diversion of "high water or flood water" onto irrigated land in the spring developed as a way of holding water underground within the basin, which would later contribute to the flows in the Lemhi River and its tributaries.

(b) The 1982 Lemhi Basin Decree recognized the practice of diverting "high water or flood water" onto irrigated lands. It defined "high water or flood water" as "natural flow of water over and above the amount required to fulfill (1) existing quantified rights as shown in the decree of water rights and (2) any future rights that may be established pursuant to statutory procedures of the state of Idaho." Proposed Findings of Water Rights, In the Matter of the General Determination of the Rights to the Use of the Surface Waters and Tributaries from Whatever Source of the Lemhi River Drainage Basin, Civil No. 4948, Feb. 16, 1982, at 3, paragraph n. The Lemhi Decree included a conclusion of law stating the practice "of diverting so called 'high waters or flood waters' in addition to the quantified rights as described in the recommended decree of water rights (and future rights that may be established pursuant to statutory procedures) [is] allowed provided: (a) the waters so diverted are applied to beneficial use. (b) the existing quantified rights (including future appropriations of water) are first satisfied."

(c) Based on the conclusions of law in the Lemhi Basin Decree, many Lemhi Basin irrigators filed claims in the Snake River Basin Adjudication (SRBA) seeking water rights for their historic "high water or flood water" practice.

(d) On January 3, 2012, the SRBA Court affirmed the Special Master's Report and Recommendation finding that "Idaho case law precludes the high flow claimants from seeking to establish high flow water rights in the SRBA as a matter of law." Memorandum Decision and Order on Challenge at 11, Subcase Nos. 74-15051, In re SRBA Case No. 39576. Although the SRBA Court disallowed the high flow claims, it reaffirmed the Lemhi Basin Decree conclusion of law regarding "high water or flood water" use through its Partial Decree pursuant to I.R.C.P. 54(b) of the Basin 74 High Flow General Provision (Basin 74 General Provision). Basin 74 General Provision provides: "The following general provision shall govern the use of 'High Flow' surface water for irrigation use within the Lemhi Basin: The practice of diverting high flows in the Lemhi Basin, in addition to diverting decreed and future water rights that may be established pursuant to statutory procedures of the State of Idaho, is allowed provided (a) the waters so diverted are applied to beneficial use. (b) existing decreed rights and future appropriations of water are first satisfied." (e) Since the early 1990s Lemhi irrigators, with the assistance of state agencies, have led an effort to protect and enhance salmon runs in the Lemhi River Basin, including but not limited to providing passage flows for salmon, screening diversion works and implementing habitat improvement projects.

(f) The long-term goal of the Lemhi irrigators is to conserve, restore, and enhance sufficient habitat to sustain viable fish populations in the Lemhi River Basin while protecting private property rights and preserving and enhancing the farming and ranching lifestyle and economy of the Lemhi River Basin.

(g) In 2001, the Idaho Legislature enacted section 42-1506, Idaho Code, at the request of the Lemhi Basin irrigators. This statute authorized the Idaho Water Resource Board to appropriate a minimum stream flow in the lower reach of the Lemhi River for the purpose of providing fish passage and for protection of Lemhi water users from enforcement actions under the Endangered Species Act.

(h) Use of high flows under the Basin 74 General Provision is not a protected property interest under Idaho law. Because the SRBA Court disallowed all "high water or flood water" claims, a conflict developed between irrigators who rely on the use of high flows under the Basin 74 General Provision and persons desiring to appropriate high flow for new uses.

(i) The legislature finds (1) that the use of Lemhi River Basin high flow for holding water underground to augment the natural flow of the Lemhi River later in the irrigation season is a beneficial use of water; and (2) that it is in the public interest to protect through the appropriation process the entitlements to divert and use high flows under the Basin 74 General Provision for efficient administration of such uses and to aid in the proper planning for future development of the water resources of the Lemhi River Basin.

(j) The Lemhi Basin stream flow maintenance applications provided for in this section are based upon the historic practice recognized by the Basin 74 High Flow General Provision, and therefore, are not intended to nor shall be construed as establishing a precedent for issuance of any future water rights in the State of Idaho.

(2) Stream Flow Maintenance Applications. Lemhi irrigators who hold irrigation water rights decreed in the SRBA, and claim authority to divert and use Lemhi Basin high flows for stream flow maintenance pursuant to the Basin 74 General Provision may file an application for permit with the department of water resources to convert such use into a protectable water right on or before July 1, 2024. The application shall be upon forms provided by the department. The department shall process the application as provided in section 42-203A, Idaho Code.

(3) Quantity of Right. The quantity of a stream flow maintenance water right shall be limited to the historic high flow use under the Basin 74 General Provision ancillary to irrigation water rights decreed in the SRBA, but not to exceed the ditch capacity of the decreed irrigation water rights on August 25, 2014.

(4) Proof of Beneficial Use. The department may consider as part of its beneficial use examination for licensing of a permit under this section a permit holder's past historic diversions of high flow under the Basin 74 General Provision.

(5) Comprehensive Settlement. All applications filed under this section shall be subject to the terms and conditions of the Lemhi Basin Comprehensive Settlement Agreement Between the Idaho Water Resource Board, Idaho Department of Fish and Game, Idaho Office of Species Conservation and Various Lemhi Water Users, including but not limited to the following conditions:

(a) Regardless of their priority dates, stream flow maintenance water rights shall include a condition requiring them to cease diversion while the McFarland Campground minimum stream flow water right established pursuant to section 42-1506A, Idaho Code, is being exercised.

(b) Regardless of priority date, the water supply legally available to stream flow maintenance water rights created under this section that divert from a common source shall be distributed proportionately among the stream flow maintenance water rights diverting from the common source, except as otherwise provided for in the Lemhi Basin Comprehensive Settlement Agreement Between the Idaho Water Resource Board, Idaho Department of Fish and Game, Idaho Office of Species Conservation and Various Lemhi Water Users. For purposes of this section each tributary administered as a separate source pursuant to the SRBA Basin 74 Separate Streams General Provision is a common source. The mainstem Lemhi River and all tributaries in Basin 74 not listed in the SRBA Basin 74 Separate Streams General Provision are a common source.

(6) Notice - How Given - Requirements. To ensure all persons claiming authority to divert or withdraw and use water under the Basin 74 General Provision are notified of the provisions of this section, the department of water resources is directed to give notice of the provisions of this section as follows:

(a) By regular mail upon all persons within Idaho department of water resources Administrative Basin 74 who currently own an irrigation water right decreed in the SRBA a notice in writing of the existence of this section;

(b) By publishing a notice in writing in a prominent and conspicuous place in at least one (1) newspaper of general circulation in Lemhi County, for at least one (1) day a month for three (3) consecutive months;

(c) By posting a written notice, with the cooperation of the Lemhi County commission, in a prominent and conspicuous location in the Lemhi County courthouse;

(d) By providing sufficient number of copies of the notice and declaration to the Lemhi County treasurer for enclosure with each mailing of one (1) or more statements of taxes due issued in 2023; and

(e) By such other means the director of the department in his discretion determines will carry out the purposes of this section.

SECTION 2. That Chapter 15, Title 42, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 42-1506A, Idaho Code, and to read as follows:

42-1506A. LEMHI RIVER -- MCFARLAND CAMPGROUND MINIMUM STREAM FLOW APPROPRIATION. (1) The water resource board is hereby authorized and directed to appropriate and hold in trust for the people of the state of Idaho a minimum stream flow water right in a designated reach of the Lemhi River in accordance with the provisions of this section. The minimum stream flow appropriation shall be in the amount of 420 c.f.s. at McFarland Campground located on the Lemhi River in the NWSE of Section 14, Township 17 North, Range 24 East, Boise Meridian. The elements of this water right shall include the following:

(a) This water right may be exercised only two (2) years out of every five (5) years. The five (5) year period shall be a rolling period.

(b) The exercise of the right shall be limited to a duration of three (3) days, during the March 15 to July 6 period of use. The three (3) day period shall be timed to occur as near as possible to the peak of Lemhi runoff.

(2) This right may not call against water rights with points of diversion from streams administered as separate streams pursuant to the Partial Decree pursuant to I.R.C.P. 54(b) of the Basin 74 High Flow General Provision approved by the SRBA District Court on January 2, 2006, except as to Lemhi Basin stream flow maintenance water rights appropriated pursuant to section 42-251, Idaho Code.

(3) The water resource board shall appropriate the minimum stream flow water right authorized under this section in accordance with the provisions of section 42-1503, Idaho Code. In acting upon the application for permit, the director of the department of water resources need not determine that the appropriation is capable of being maintained based upon records of existing stream flows because it is anticipated that the water right will be maintained through conditions on water rights acquired pursuant to section 42-251, Idaho Code.

(4) Upon the board's filing of an application for permit to appropriate water as directed by this section, the director of the department of water resources is authorized and directed, on an interim basis pending final action on the application for permit, to distribute water under the filing in accordance with the doctrine of prior appropriation using a priority date as of the filing of the application for permit.

SECTION 3. That Chapter 15, Title 42, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 42-1506B, Idaho Code, and to read as follows:

42-1506B. BIG TIMBER, BOHANNAN, CANYON, AND HAYDEN -- MINIMUM STREAM FLOW APPROPRIATIONS. (1) The water resource board is hereby authorized and directed to appropriate and hold in trust for the people of the state of Idaho minimum stream flow water rights for Big Timber, Bohannan, Canyon, and Hayden Creeks in accordance with the provisions of this section.

(a) The minimum stream flow for Big Timber Creek shall be 18 c.f.s. from March 15 to July 31 and 10 c.f.s. from August 1 to March 14 from the headwaters of Big Timber Creek in Section 30, Township 14 North, Range 25 East, Boise Meridian to its confluence with the Lemhi River in the southeast quarter of Section 20, Township 16 North, Range 26 East, Boise Meridian.

(b) The minimum stream flow appropriation for Bohannan Creek shall be 13 c.f.s. from March 15 to July 31 and 8.5 c.f.s. from August 1 to March 14 from the headwaters of Bohannan Creek in the northwest quarter of Section 19, Township 22 North, Range 24 East, Boise Meridian to its confluence with the Lemhi River in the northwest quarter of Section 33, Township 21 North, Range 23 East, Boise Meridian.



(c) The minimum stream flow for Canyon Creek shall be 16 c.f.s. from March 15 to July 31 and 4 c.f.s. from August 1 to March 14 from the headwaters of Canyon Creek in Government Lot 5, Section 18, Township 17 North, Range 27 East, Boise Meridian to its confluence with the Lemhi River in the northwest quarter of Section 28, Township 16 North, Range 26 East, Boise Meridian.

(d) The minimum stream flow for Hayden Creek shall be 60 c.f.s. from March 15 to July 31 and 13 c.f.s. from August 1 to March 14 from the headwaters of Hayden Creek in Section 14, Township 16 North, Range 22 East, Boise Meridian to its confluence with the Lemhi River in the southwest quarter, Section 21, Township 18 North, Range 24 East, Boise Meridian.

(2) In acting upon the applications for permit, the director of the department of water resources need not determine that the appropriation is capable of being maintained based upon records of existing stream flows because it is anticipated the water rights will be maintained through voluntary agreements between the Idaho water resource board and Basin 74 water users in accordance with Idaho law.

(3) The minimum stream flows provided for in this section shall be junior to all previously decreed, licensed, or permitted water rights. The minimum stream flows shall also be junior to all water right applications with a priority date before the effective date of this section and all Lemhi Basin stream flow maintenance water rights perfected pursuant to section 42-251, Idaho Code.

(4) Upon the board's filing of applications for permit to appropriate water as directed by this section, the director of the department of water resources is authorized and directed, on an interim basis pending final action on the applications for permit, to distribute water under the filings in accordance with the doctrine of prior appropriation using a priority date as of the filing of the application for permit.

(5) These minimum stream flow applications for permit are in satisfaction of the local public interest requirement of section 42-203A(5) (e), Idaho Code, as it pertains to processing of water right applications with a priority date before the effective date of this section and on Lemhi Basin stream flow maintenance water rights filed pursuant to section 42-251, Idaho Code, on Big Timber, Bohannon, Canyon, and Hayden Creeks.

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 28, 2022

CHAPTER 291  
(H.B. No. 762)

AN ACT

RELATING TO BARBER AND COSMETOLOGY SERVICES; AMENDING SECTION 54-5802, IDAHO CODE, TO REVISE A DEFINITION AND TO DEFINE A TERM; AMENDING SECTION 54-5805, IDAHO CODE, TO PROVIDE FOR NATURAL HAIR BRAIDING AS AN EXEMPTION FROM LICENSURE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 54-5802, Idaho Code, be, and the same is hereby amended to read as follows:

54-5802. DEFINITIONS. As used in this chapter:

- (1) "Apprentice" means a person registered with the barber and cosmetology services licensing board to learn an occupation in a licensed establishment who, while so learning, performs or assists in performing any practices of barbering, barber-styling, cosmetology, or electrology.
- (2) "Barber" means a person licensed to practice barbering as defined in this section.
- (3) "Barbering" means any one (1) or any combination of the following practices when performed on the upper part of the human body for cosmetic purposes and not for the treatment of disease or physical or mental ailments:
  - (a) Shaving the face or cutting, trimming, arranging, dressing, curling, cleansing, singeing or performing similar work on the hair;
  - (b) Fitting, cutting or dressing hairpieces or toupees;
  - (c) Giving facial and scalp massages or treatments with oils, creams, lotions or other preparations, either by hand or by a mechanical appliance; and
  - (d) Applying cosmetic preparations, antiseptics, powders, oils, clays or lotions to the scalp, face, and neck.
- (4) "Barber-styling" means any one (1) or any combination of the following practices when performed on the upper part of the human body for cosmetic purposes and not for the treatment of disease or physical or mental ailments:
  - (a) Shaving the face or cutting, trimming, arranging, dressing, curling, waving by any method, straightening, cleansing, singeing, bleaching, coloring or performing similar work on the hair;
  - (b) Fitting, cutting or dressing hairpieces or toupees;
  - (c) Giving facial and scalp massages or treatments with oils, creams, lotions or other preparations, either by hand or by a mechanical appliance; and
  - (d) Applying cosmetic preparations, antiseptics, powders, oils, clays or lotions to the scalp, face, and neck.
- (5) "Barber-stylist" means a person licensed to practice barber-styling as defined in this section.
- (6) "Board" means the barber and cosmetology services licensing board established by section 54-5806, Idaho Code.
- (7) "Bureau" means the bureau of occupational licenses.
- (8) "Cosmetologist" means a person licensed to practice cosmetology as defined in this section.

(9) "Cosmetology" means any one (1) or any combination of the following practices when performed on the human body for cosmetic purposes and not for the treatment of disease or physical or mental ailments:

(a) Cutting, trimming, arranging, dressing, curling, waving by any method, cleansing, singeing, bleaching, coloring or performing similar work on the hair, except as provided for in subsection (24) of this section;

(b) Fitting, cutting or dressing hairpieces or toupees;

(c) Noninvasive care of the skin by application of cosmetic preparations, antiseptics, tonics, lotions, creams and essential oils to cleanse, massage, exfoliate, hydrate and stimulate; makeup application; pore extraction; use of chemical exfoliants approved for professional esthetic use; particle exfoliation; use of any class I medical device, as classified by the United States food and drug administration, designed for care of the skin, except that a class II medical device designed for care of the skin may be used as directed and supervised by an authorized and licensed health care practitioner; temporary removal of superfluous hair by lotions, creams, waxing, tweezing, depilatories or other means; and tinting or perming the eyebrows and eyelashes; and

(d) Manicuring and pedicuring nails and applying artificial nails.

(10) "Electrologist" means a person licensed to practice electrology, as defined in this section, and skilled in the permanent removal of unwanted hair.

(11) "Electrology" or "electrolysis" means the permanent removal of hair by destroying the hair-producing cells of the skin and vascular system through the use of equipment and devices approved by and registered with the United States food and drug administration.

(12) "Establishment" means a place licensed under this chapter, other than a licensed school, where barbering, barber-styling, cosmetology or electrology is practiced.

(13) "Esthetician" means a person licensed to practice esthetics as defined in this section.

(14) "Esthetics" means noninvasive care of the skin by application of cosmetic preparations, antiseptics, tonics, lotions, creams and essential oils to cleanse, massage, exfoliate, hydrate and stimulate; makeup application; pore extraction; use of chemical exfoliants approved for professional esthetic use; particle exfoliation; use of any class I medical device, as classified by the United States food and drug administration, designed for care of the skin, except that a class II medical device designed for care of the skin may be used as directed and supervised by an authorized and licensed health care practitioner; temporary removal of superfluous hair by lotions, creams, waxing, tweezing, depilatories or other means; and tinting or perming the eyebrows and eyelashes.

(15) "Haircutting" means cutting, trimming, arranging, dressing, curling, cleansing, singeing or performing similar work on the hair and fitting, cutting or dressing hairpieces or toupees.

(16) "Instructor" means a person licensed under this chapter to practice and teach any practice defined in this section.

(17) "Instructor trainee" means a barber, barber-stylist or cosmetologist attending a licensed school to receive training to teach barbering, barber-styling or cosmetology.

(18) "Licensed school" means a postsecondary barber, cosmetology, or electrology school that:

(a) Is licensed under its official name by the barber and cosmetology services licensing board; and

(b) Admits as students only those individuals who meet the requirements of paragraphs (a) and (b) of section 54-5810(1), Idaho Code.

(19) "Makeover or glamour photography business" means a business offering photographic services to the general public in which the business's employees apply cosmetic products to customers' faces or arrange the hair of customers in connection with the sale or attempted sale of photographic services.

(20) "Makeup artist" means a person certificated to practice makeup artistry as defined in this section.

(21) "Makeup artistry" means noninvasive care of the skin by application of cosmetic preparations for cleansing and the application of makeup, which includes the application of cosmetics or any pigment product that is used to cover, camouflage or decorate the skin.

(22) "Nail technician" means a person licensed to practice nail technology as defined in this section.

(23) "Nail technology" means any one (1) or more of the following practices when performed on the human body:

- (a) Manicuring and pedicuring nails;
- (b) Applying artificial nails; and
- (c) Massaging the hands and feet.

(24) "Natural hair braiding" means the service of twisting, wrapping, weaving, extending, locking, or braiding hair by hand or with a mechanical device.

(a) "Natural hair braiding" includes:

(i) The use of natural or synthetic hair extensions, natural or synthetic hair and fibers, and decorative beads and other hair accessories;

(ii) Minor trimming of natural hair or hair extensions incidental to twisting, wrapping, weaving, extending, locking, or braiding hair;

(iii) The making of wigs from natural hair, natural fibers, synthetic fibers, and hair extensions; and

(iv) The use of topical agents, such as conditioners, gels, moisturizers, oils, pomades, and shampoos, in conjunction with performing services under subparagraphs (i) or (ii) of this paragraph.

(b) "Natural hair braiding" does not include:

(i) The application of dyes, reactive chemicals, or other preparations to alter the color of the hair or to straighten, curl, or alter the structure of the hair; or

(ii) The use of chemical hair joining agents, such as synthetic tape, keratin bonds, or fusion bonds.

(25) "Retail cosmetics dealer" means a stationary business offering cosmetic products for sale at retail to the general public, in which the business's employees apply cosmetic products to customers' faces in connection with the sale or attempted sale of the products without compensation from the customer other than the regular price of the products.

(256) "Retail thermal styling equipment dealer" means a retail business that offers thermal styling equipment, such as curling irons, curling wands, flat irons, heated hair rollers, blow-dryers or other devices using heat to style hair, for sale at retail to members of the general public and whose employees engage in the limited use of thermal styling equipment on customers in connection with the sale or attempted sale of the equipment without compensation from the customer other than the regular price of the equipment.

(267) "Student" means a person learning barbering, barber-styling, cosmetology or electrology at a licensed school who, while so learning, performs or assists in performing any practices of barbering, barber-styling, cosmetology or electrology.

SECTION 2. That Section 54-5805, Idaho Code, be, and the same is hereby amended to read as follows:

54-5805. EXEMPTIONS FROM LICENSURE. The licensing, certification and registration provisions of this chapter shall not apply to the following:

(1) Persons authorized by the laws of this state to practice as a nurse or to practice any of the healing arts while in the proper discharge or delegation of their professional duties.

(2) Persons who provide on-site personal care or hygiene services including shaving, trimming of hair, beard or mustache, washing, brushing, or combing hair, and basic skin care and nail care to residents at facilities licensed under the department of health and welfare division of licensing and certification.

(3) Persons practicing in their own home without compensation who are not practicing on the public in general.

(4) Persons practicing on a relative without compensation.

(5) Persons whose practice is limited to the facial application of cosmetic products to customers in connection with the sale or attempted sale of cosmetic products on the premises of a retail cosmetics dealer without compensation from the customer other than the price of the products.

(6) Persons whose practice is limited to the demonstration of thermal styling equipment on customers in connection with the sale or attempted sale of thermal styling equipment on the premises of a registered thermal styling equipment dealer without compensation from the customer other than the price of the equipment.

(7) Currently enrolled students or actively registered apprentices practicing or demonstrating outside of a licensed school or establishment when that practice or demonstration is under the direct supervision of a licensed instructor. Members of the public may not be charged for any services performed by a student or an apprentice practicing pursuant to this subsection.

(8) Persons who are licensed or qualified through proper documentation to practice or teach barbering, barber-styling or cosmetology in a state, territory or possession of the United States or in a foreign country and whose practice and activities are limited to education or demonstration of no more than fourteen (14) consecutive days, provided that such persons shall observe and comply with sanitation requirements established by rule. Members of the public may not be charged for any services performed as part of the demonstration or education.

(9) Persons who are employed, participating in, or contracted to perform barber-styling or cosmetology services in the course of and incidental to the production of a theatrical or other visual arts production including, but not limited to, stage productions, television and motion pictures.

(10) Persons whose practice is limited to natural hair braiding as defined in section 54-5802(24), Idaho Code.

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

Approved March 28, 2022

CHAPTER 292  
(H.B. No. 785)

AN ACT

RELATING TO THE APPROPRIATION TO THE COMMISSION OF PARDONS AND PAROLE FOR FISCAL YEAR 2023; APPROPRIATING MONEYS TO THE COMMISSION OF PARDONS AND PAROLE FOR FISCAL YEAR 2023; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. There is hereby appropriated to the Commission of Pardons and Parole the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2022, through June 30, 2023:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:				
General				
Fund	\$3,077,000	\$669,200		\$3,746,200
Miscellaneous Revenue				
Fund		70,700		70,700
ARPA State Fiscal Recovery				
Fund	<u>0</u>	<u>50,000</u>	<u>\$12,600</u>	<u>62,600</u>
TOTAL	\$3,077,000	\$789,900	\$12,600	\$3,879,500

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Commission of Pardons and Parole is authorized no more than thirty-seven (37.00) full-time equivalent positions at any point during the period July 1, 2022, through June 30, 2023, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 28, 2022

CHAPTER 293  
(H.B. No. 788)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF CHILDREN'S PROGRAMS; APPROPRIATING MONEYS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF CHILDREN'S PROGRAMS FOR FISCAL YEAR 2023; APPROPRIATING GENERAL FUND MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND; PROVIDING REQUIREMENTS REGARDING THE IDAHO DIGITAL LEARNING ACADEMY; DIRECTING THE USE OF TOBACCO, CIGARETTE, AND LOTTERY INCOME TAX MONEYS; DIRECTING THE USE OF APPROPRIATION FOR REMEDIATION; DIRECTING THE USE OF APPROPRIATION FOR ENGLISH PROFICIENCY PROGRAMS; DIRECTING THE DEPARTMENT OF EDUCATION TO COMPILE INFORMATION ON ADVANCED OPPORTUNITIES; PROVIDING A TRANSFER TO THE COMMISSION ON HISPANIC AFFAIRS; PROVIDING A TRANSFER TO IDAHO STATE POLICE; DEFINING "DISTRIBUTED"; CLARIFYING THE ORIGINAL FUND SOURCE FOR EXPENDITURES FOR THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF CHILDREN'S PROGRAMS FOR FISCAL YEAR 2023; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. There is hereby appropriated to the Public Schools Educational Support Program's Division of Children's Programs the following amounts to be expended from the listed funds for the period July 1, 2022, through June 30, 2023:

FROM:

Public School Income Fund	\$146,217,300
Federal COVID-19 Relief Fund	105,983,700
American Rescue Plan Fund	404,911,100
Federal Grant Fund	<u>313,000,000</u>
TOTAL	\$970,112,100

SECTION 2. There is hereby appropriated and the Office of the State Controller shall transfer \$142,192,400 from the General Fund to the Public School Income Fund on July 1, 2022, or as soon thereafter as practicable for the period July 1, 2022, through June 30, 2023.

SECTION 3. IDAHO DIGITAL LEARNING ACADEMY. The Idaho Digital Learning Academy (IDLA), created pursuant to Chapter 55, Title 33, Idaho Code, shall utilize state-appropriated funds for the period July 1, 2022, through June 30, 2023, to achieve the following:

- (1) Tuition charged by IDLA to Idaho school districts and charter schools shall not exceed \$75.00 per enrollment.
- (2) Provide remedial coursework for students failing to achieve proficiency in one (1) or more areas of Idaho's standards-based tests.
- (3) Pursuant to State Board of Education rule, IDAPA 08.02.03, provide advanced opportunities, including access to dual credit courses for students.

The preceding list shall not be construed as excluding other instruction and training that may be provided by the Idaho Digital Learning Academy.

SECTION 4. TOBACCO, CIGARETTE, AND LOTTERY DISTRIBUTION. Notwithstanding the provisions of any law to the contrary, of the moneys appropriated in Section 1 of this act, up to \$4,024,900 from available tobacco, cigarette, and lottery income tax revenue funds accruing, appropriated, or distributed to the Public School Income Fund pursuant to Sections 63-2506, 63-2552A, and 63-3067, Idaho Code, for the period July 1, 2022, through June 30, 2023, shall be distributed to school districts and charter schools through a combination of a base amount of \$2,000 plus a prorated amount based on the prior year's average daily attendance. Such funds shall be used to develop and implement school safety improvements and/or to facilitate and provide substance abuse prevention programs in the public school system.

SECTION 5. REMEDIAL COURSEWORK. Of the moneys appropriated in Section 1 of this act, \$4,715,000 shall be distributed for remedial coursework for students failing to achieve proficiency on Idaho's standards-based achievement tests in dollar amounts determined by the State Department of Education. The State Department of Education shall report to the Joint Finance-Appropriations Committee and the Senate and House education committees by no later than January 13, 2023, on the uses of funds and effectiveness of the programs and efforts.

SECTION 6. ENGLISH PROFICIENCY. Pursuant to Section 33-1617, Idaho Code, of the moneys appropriated in Section 1 of this act, \$4,820,000 shall be distributed for support of students in English language learner programs as follows:

(1) The State Department of Education shall distribute \$4,370,000 to school districts and charter schools pro rata based on the population of English language learners under criteria established by the department.

(2) The State Department of Education shall distribute \$450,000 for a competitive grant program to assist school districts and charter schools in which English language learners are not reaching statewide accountability interim targets or long-term goals, as defined by federal law. This amount shall be distributed annually in three-year grant cycles, contingent on appropriation and the ability of grantees to meet program objectives.

(3) The State Department of Education shall develop the program elements and objectives governing the use of these funds and include a program evaluation component.

The purpose of these funds is to improve student English language skills to allow for better access to the educational opportunities offered in public schools. The State Department of Education shall report to the Joint Finance-Appropriations Committee and the Senate and House education committees by no later than January 13, 2023, on the program design, uses of funds, and program effectiveness.

SECTION 7. ADVANCED OPPORTUNITIES COURSES AND PROGRAM EVALUATION. The State Department of Education shall compile information concerning the numbers of students enrolling in advanced opportunities courses according to the provisions of Chapter 46, Title 33, Idaho Code, whether coursework is successfully completed, and total expenditures for fiscal year 2022. As nearly as practicable, the report shall contain information about enrollment of this student population in postsecondary education. A report containing such information shall be posted on the website of the State Department of Education no later than December 31, 2022.



SECTION 8. PUBLIC SCHOOL INCOME FUND TRANSFER TO COMMISSION ON HISPANIC AFFAIRS. There is hereby appropriated and the Office of the State Controller shall transfer in accordance with Section 63-2552A(3), Idaho Code, on July 1, 2022, or as soon thereafter as practicable, \$80,000 from the Public School Income Fund to the Commission on Hispanic Affairs Miscellaneous Revenue Fund to be used for substance abuse prevention efforts in collaboration with the State Department of Education.

SECTION 9. PUBLIC SCHOOL INCOME FUND TRANSFER TO IDAHO STATE POLICE. There is hereby appropriated and the Office of the State Controller shall transfer in accordance with Section 63-2552A(3), Idaho Code, on July 1, 2022, or as soon thereafter as practicable, \$200,000 from the Public School Income Fund to the Idaho State Police Miscellaneous Revenue Fund for the purpose of increasing toxicology lab capacity in Forensic Services.

SECTION 10. DEFINITION. For the purposes of this act, "distributed" means moneys that are transferred to school districts, public charter schools, and the Idaho Digital Learning Academy, with no funds withheld for any other contract or administrative costs.

SECTION 11. Of the amounts appropriated in Section 1 of this act for the Public Schools Educational Support Program's Division of Children's Programs, the following amounts shall be considered expended from the listed funds for the period July 1, 2022, through June 30, 2023:

FROM:

General Fund	\$142,192,400
Cigarette, Tobacco and Lottery Income Taxes Fund	4,024,900
Federal COVID-19 Relief Fund	105,983,700
American Rescue Plan Fund	404,911,100
Federal Grant Fund	<u>313,000,000</u>
TOTAL	\$970,112,100

SECTION 12. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 28, 2022

CHAPTER 294  
(H.B. No. 808)

AN ACT

RELATING TO THE APPROPRIATION TO THE OFFICE OF ADMINISTRATIVE HEARINGS FOR FISCAL YEAR 2023; APPROPRIATING MONEYS TO THE OFFICE OF ADMINISTRATIVE HEARINGS FOR FISCAL YEAR 2023; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. There is hereby appropriated to the Office of Administrative Hearings the following amounts to be expended according to the designated expense classes from the General Fund for the period July 1, 2022, through June 30, 2023:

FOR:

Personnel Costs	\$402,600
Operating Expenditures	174,500
Capital Outlay	<u>28,600</u>
TOTAL	\$605,700

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Office of Administrative Hearings is authorized no more than four (4.00) full-time equivalent positions at any point during the period July 1, 2022, through June 30, 2023, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 28, 2022

CHAPTER 295  
(H.B. No. 809)

AN ACT

RELATING TO THE APPROPRIATION TO THE OFFICE OF THE STATE BOARD OF EDUCATION; APPROPRIATING MONEYS TO THE OFFICE OF THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 2023; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING FEDERAL FUND REAPPROPRIATION AUTHORITY; PROVIDING GENERAL FUND REAPPROPRIATION AUTHORITY; APPROPRIATING ADDITIONAL MONEYS TO THE OFFICE OF THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 2022; APPROPRIATING ADDITIONAL MONEYS TO THE OFFICE OF THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 2022; 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 the State Board of Education the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2022, through June 30, 2023:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
<b>I. OSBE ADMINISTRATION:</b>					
<b>FROM:</b>					
<b>General</b>					
Fund	\$3,802,700	\$2,061,900			\$5,864,600
<b>Indirect Cost Recovery</b>					
Fund	35,700	83,900			119,600
<b>Miscellaneous Revenue</b>					
Fund	160,800	125,000	\$6,125,000	\$100,000	6,510,800
<b>American Rescue Plan</b>					
Fund			19,700		19,700
<b>ARPA State Fiscal Recovery</b>					
Fund	100,000	50,000			150,000
<b>Federal COVID-19 Relief</b>					
Fund				16,621,600	16,621,600
<b>Federal Grant</b>					
Fund	<u>164,400</u>	<u>340,300</u>	<u>0</u>	<u>0</u>	<u>504,700</u>
<b>TOTAL</b>	<b>\$4,263,600</b>	<b>\$2,661,100</b>	<b>\$6,144,700</b>	<b>\$16,721,600</b>	<b>\$29,791,000</b>
<b>II. IT AND DATA MANAGEMENT:</b>					
<b>FROM:</b>					
<b>General</b>					
Fund	\$2,062,200	\$965,100			\$3,027,300
<b>Public Instruction</b>					
Fund		15,000			15,000
<b>ARPA State Fiscal Recovery</b>					
Fund	<u>0</u>	<u>0</u>	<u>\$94,000</u>		<u>94,000</u>
<b>TOTAL</b>	<b>\$2,062,200</b>	<b>\$980,100</b>	<b>\$94,000</b>		<b>\$3,136,300</b>
<b>III. SCHOOL SAFETY AND SECURITY PROGRAM:</b>					
<b>FROM:</b>					
<b>General</b>					
Fund	\$387,500	\$148,700			\$536,200
<b>Miscellaneous Revenue/School Security Assessment</b>					
Fund	264,400	53,500			317,900
<b>Federal Grant</b>					
Fund	<u>219,600</u>	<u>40,900</u>			<u>260,500</u>
<b>TOTAL</b>	<b>\$871,500</b>	<b>\$243,100</b>			<b>\$1,114,600</b>
<b>GRAND TOTAL</b>	<b>\$7,197,300</b>	<b>\$3,884,300</b>	<b>\$6,238,700</b>	<b>\$16,721,600</b>	<b>\$34,041,900</b>

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Office of the State Board of Education is authorized no more than sixty-one and twenty-five hundredths (61.25) full-time equivalent positions at any point during the period July 1, 2022, through June 30, 2023, 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 FOR FEDERAL FUNDS. There is hereby reappropriated to the Office of the State Board of Education any unexpended and unencumbered balances appropriated to the Office of the State Board of Education from the ARPA State Fiscal Recovery Fund for grants that directly support learning for students and parents for fiscal year 2022 from the ARPA State Fiscal Recovery Fund to be used for nonrecurring expenditures for the period July 1, 2022, through June 30, 2023. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 4. REAPPROPRIATION AUTHORITY FOR GENERAL FUNDS. There is hereby reappropriated to the Office of the State Board of Education any unexpended and unencumbered balances appropriated to the Office of the State Board of Education from the General Fund for the engineering plan needs assessment for fiscal year 2022, in an amount not to exceed \$100,000 from the General Fund, to be used for nonrecurring expenditures for the period July 1, 2022, through June 30, 2023. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 5. In addition to the appropriation made in Section 1, Chapter 305, Laws of 2021, and any other appropriation provided for by law, there is hereby appropriated to the Office of the State Board of Education \$100,000 from the General Fund to be expended for the period July 1, 2021, through June 30, 2022, to develop a statewide graduate education plan for engineering education and to complete a needs assessment.

SECTION 6. In addition to the appropriation made in Section 1, Chapter 305, Laws of 2021, and any other appropriation provided for by law, there is hereby appropriated to the Office of the State Board of Education \$51,035,000 from the ARPA State Fiscal Recovery Fund to be expended for the period July 1, 2021, through June 30, 2022, to provide grants that directly support learning for students and parents.

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

Approved March 28, 2022

CHAPTER 296  
(H.B. No. 825)

AN ACT

RELATING TO THE APPROPRIATION TO THE OFFICE OF INFORMATION TECHNOLOGY SERVICES; APPROPRIATING MONEYS TO THE OFFICE OF INFORMATION TECHNOLOGY SERVICES FOR FISCAL YEAR 2023; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; APPROPRIATING ADDITIONAL MONEYS TO THE OFFICE OF INFORMATION TECHNOLOGY SERVICES FOR FISCAL YEAR 2022; DIRECTING AGENCY BILLING; PROVIDING REAPPROPRIATION AUTHORITY; 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 Information Technology Services the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2022, through June 30, 2023:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:				
General				
Fund	\$960,000	\$710,400		\$1,670,400
Administration and Accounting Services				
Fund	<u>13,335,500</u>	<u>1,940,400</u>	<u>\$28,500</u>	<u>15,304,400</u>
TOTAL	\$14,295,500	\$2,650,800	\$28,500	\$16,974,800

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Office of Information Technology Services is authorized no more than one hundred thirty-five (135.00) full-time equivalent positions at any point during the period July 1, 2022, through June 30, 2023, 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 267, Laws of 2021, and any other appropriation provided by law, there is hereby appropriated to the Office of Information Technology Services \$225,000 from the General Fund to be expended for operating expenditures for the period July 1, 2021, through June 30, 2022, for the purpose of a technical audit.

SECTION 4. AGENCY BILLING. Prior to October 1, 2022, notwithstanding any laws to the contrary, the Office of Information Technology Services shall provide each billed agency, the Legislative Services Office Budget and Policy Analysis Division, and the Division of Financial Management a categorized list of all agency billings for fiscal year 2024. The format of the report and the information included therein shall be determined by the Legislative Services Office Budget and Policy Analysis Division.

SECTION 5. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Office of Information Technology Services any unexpended and unencumbered balances appropriated to the Office of Information Technology Services from the General Fund for fiscal year 2022, not to exceed \$225,000, to be used for nonrecurring expenditures for a technical audit for the period July 1, 2022, through June 30, 2023. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

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

Approved March 28, 2022

CHAPTER 297  
(S.B. No. 1378)

AN ACT

RELATING TO AN ENDANGERED MISSING PERSON ALERT; AMENDING CHAPTER 29, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-2922, IDAHO CODE, TO ESTABLISH ENDANGERED MISSING PERSON ALERTS, TO DEFINE TERMS, TO PROVIDE FOR AN ENDANGERED MISSING PERSON ALERT PLAN AND AN ADVISORY AND REVIEW COMMITTEE, TO PROVIDE CRITERIA FOR ACTIVATION OF AN ALERT, TO PROVIDE THAT A LAW ENFORCEMENT AGENCY SHALL HAVE CERTAIN DUTIES, TO PROVIDE FOR TERMINATION OF AN ALERT, TO PROVIDE THAT THERE SHALL BE NO WAITING PERIOD FOR AN ALERT, AND TO PROVIDE CIVIL IMMUNITY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 29, 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 67-2922, Idaho Code, and to read as follows:

67-2922. ENDANGERED MISSING PERSON ALERT. (1) There is hereby established a statewide alert system known as the "Endangered Missing Person Alert" that shall be developed and implemented by the Idaho state police missing person clearinghouse. The endangered missing person alert system shall be a program of voluntary cooperation between broadcasters, cable systems, and local and state agencies to enhance the public's ability to assist in recovering missing and endangered persons.

(2) As used in this section:

(a) "Law enforcement agency" means a law enforcement agency with jurisdiction over the search for a suspect in a case involving an endangered missing person; and

(b) "Missing person" means a person whose whereabouts are unknown to a parent, guardian, caretaker, or others who have normal contact with the person.

(3) An endangered missing person alert plan shall be developed by a committee, whose membership shall be determined by the director of the Idaho state police, with members from city, county, state, and tribal law enforcement, broadcasters, emergency management officials, and vulnerable population commissions. Such plan shall provide for the use of the emergency alert system, the wireless emergency alert system, and the state police notification system. The endangered missing person alert advisory and review committee shall provide administrative oversight to develop, implement, review, and recommend revisions to the endangered missing person alert plan.

(4) An endangered missing person alert shall not be issued under the same criteria as an Amber alert and shall not be distributed automatically statewide. An endangered missing person alert may be distributed based on the geographic area in which the missing person was last seen or is believed to be. An endangered missing person alert shall be issued with the information available to law enforcement, and lack of detailed information shall not preclude the issuance of an alert. For an incident to qualify for issuance of an endangered missing person alert, an individual, regardless of age:

- (a) Must be reported missing to a law enforcement agency;
- (b) Must be, or must be believed to be, a temporary or permanent resident of Idaho;
- (c) Must be at a location that cannot be determined by a person familiar with the missing individual; and
- (d) Must be someone:
  - (i) Who is incapable of returning to the missing individual's residence without assistance by reason of:
    - 1. Mental illness;
    - 2. Intellectual disability;
    - 3. Dementia;
    - 4. Weather conditions; or
    - 5. Another physical or mental incapacity that requires care of the individual or management of the individual's property;
  - (ii) Who is missing as the result of abduction by a stranger and does not meet the criteria for an Amber alert or blue alert;
  - (iii) Who is missing under unexplained, involuntary, or suspicious circumstances;
  - (iv) Whose disappearance may be the result of the commission of a crime;
  - (v) Whose disappearance occurred under circumstances that are inherently dangerous;
  - (vi) Who is in need of medical attention or prescription medication; or
  - (vii) Who has previously been the victim of a threat of violence or an act of violence.

(5) Before requesting activation of an endangered missing person alert, a law enforcement agency shall verify that the criteria described in subsection (4) of this section has been satisfied. The law enforcement agency shall assess the appropriate boundaries of the alert based on the nature of the endangerment and the circumstances surrounding the last known location of the missing person or suspect.

(6) The state police shall terminate an endangered missing person alert with respect to a particular incident if:

(a) The missing person or suspect is located or the incident is otherwise resolved. Other law enforcement agencies shall notify the law enforcement agency that initiated the alert immediately when such agency locates the missing person, suspect, or vehicle; or

(b) The Idaho state police determines that the endangered missing person alert is no longer an effective tool for locating the missing person.

(7) There shall be no required waiting period for a law enforcement agency to report or investigate an endangered missing person case.

(8) Any entity or individual involved in the dissemination of a endangered missing person alert generated pursuant to the provisions of this section shall not be liable for any civil damages arising from such dissemination.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 28, 2022

CHAPTER 298  
(S.B. No. 1403)

AN ACT

RELATING TO APPROPRIATIONS FOR FISCAL YEAR 2022; REDUCING THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF CHILDREN'S PROGRAMS FOR FISCAL YEAR 2022; APPROPRIATING ADDITIONAL MONEYS TO THE OFFICE OF THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 2022; APPROPRIATING ADDITIONAL MONEYS TO THE STEM ACTION CENTER FOR FISCAL YEAR 2022; APPROPRIATING ADDITIONAL MONEYS TO THE COMMISSION FOR LIBRARIES FOR FISCAL YEAR 2022; PROVIDING REAPPROPRIATION AUTHORITY FOR THE OFFICE OF THE STATE BOARD OF EDUCATION; PROVIDING REAPPROPRIATION AUTHORITY FOR THE STEM ACTION CENTER; PROVIDING REAPPROPRIATION AUTHORITY FOR THE COMMISSION FOR LIBRARIES; AND DECLARING AN EMERGENCY.

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

SECTION 1. Notwithstanding any other provision of law to the contrary, the appropriation made to the Public Schools Educational Support Program's Division of Children's Programs in Section 1, Chapter 348, Laws of 2021, from the American Rescue Plan Fund is hereby reduced by \$30,809,300 for trustee and benefit payments for the period July 1, 2021, through June 30, 2022.

SECTION 2. In addition to the appropriation made in Section 1, Chapter 305, Laws of 2021, and any other appropriation provided by law, there is hereby appropriated to the Office of the State Board of Education \$30,809,300 from the American Rescue Plan Fund to be expended for operating expenditures for the period July 1, 2021, through June 30, 2022.

SECTION 3. In addition to the appropriation made in Section 1, Chapter 120, Laws of 2021, and any other appropriation provided by law, there is hereby appropriated to the STEM Action Center \$2,000,000 from the STEM Education Fund to be expended for operating expenditures for the period July 1, 2021, through June 30, 2022.



SECTION 4. In addition to the appropriation made in Section 1, Chapter 133, Laws of 2021, and any other appropriation provided by law, there is hereby appropriated to the Commission for Libraries the following amounts to be expended according to the designated expense classes from the Miscellaneous Revenue Fund for the period July 1, 2021, through June 30, 2022:

FOR:

Operating Expenditures	\$300,000
Trustee and Benefit Payments	<u>950,000</u>
TOTAL	\$1,250,000

SECTION 5. REAPPROPRIATION AUTHORITY FOR THE OFFICE OF THE STATE BOARD OF EDUCATION. There is hereby reappropriated to the Office of the State Board of Education any unexpended and unencumbered balances appropriated to the Office of the State Board of Education from the American Rescue Plan Fund for the purpose of programs approved by the State Board of Education, including data system replacement, summer learning programs, and creation of a dyslexia handbook for fiscal year 2022, in an amount not to exceed \$30,809,300, to be used for nonrecurring expenditures related to programs approved by the State Board of Education, including data system replacement, summer learning programs, and creation of a dyslexia handbook for the period July 1, 2022, through June 30, 2023. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 6. REAPPROPRIATION AUTHORITY FOR THE STEM ACTION CENTER. There is hereby reappropriated to the STEM Action Center any unexpended and unencumbered balances appropriated to the STEM Action Center from the STEM Education Fund for the purpose of providing summer learning STEM programs as approved by the State Board of Education, for fiscal year 2022, in an amount not to exceed \$2,000,000, to be used for nonrecurring expenditures related to providing summer learning STEM programs as approved by the State Board of Education for the period July 1, 2022, through June 30, 2023. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 7. REAPPROPRIATION AUTHORITY FOR THE COMMISSION FOR LIBRARIES. There is hereby reappropriated to the Commission for Libraries any unexpended and unencumbered balances appropriated to the Commission for Libraries from the Miscellaneous Revenue Fund for the purpose of providing summer library reading programs as approved by the State Board of Education for fiscal year 2022, in an amount not to exceed \$1,250,000, to be used for nonrecurring expenditures related to providing summer library reading programs as approved by the State Board of Education for the period July 1, 2022, through June 30, 2023. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 8. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 28, 2022

CHAPTER 299  
(S.B. No. 1405)

AN ACT

RELATING TO DISFAVORED STATE INVESTMENTS; AMENDING CHAPTER 23, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-2345, IDAHO CODE, TO PROVIDE FOR DISFAVORED STATE INVESTMENTS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 23, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-2345, Idaho Code, and to read as follows:

67-2345. DISFAVORED STATE INVESTMENTS. (1) In addition to investment standards in applicable law, public entities engaging in investment activities with an investment agent shall apply the Idaho uniform prudent investor act, chapter 5, title 68, Idaho Code, when selecting investments. No public entity engaged in investment activities shall consider environmental, social, or governance characteristics in a manner that could override the prudent investor rule. A public entity serving as a fiduciary to select investment options for investors may offer environmental, social, and governance preferred investment alternatives, but such investments shall not be required and sufficient alternatives must be also offered.

(2) Public entities engaging in investment activities with an investment agent shall require notification to the public entity if the investment agent adopts a policy or revises a policy related to disfavored investments applicable to the public entity's investment.

(3) Proxies for all public entities belong to that entity. If voting of proxies is delegated to the investment agent, they shall be exercised in the best interests and for the exclusive benefit of the public entity or the beneficiaries of the investment. All voting proxies will be posted quarterly or may be provided subject to a public records request as provided in chapter 1, title 74, Idaho Code.

(4) As used in this section:

(a) "Disfavored investments" include but are not limited to investments or investment limitations identified as against the public policy of the state of Idaho by statute, concurrent resolution, or executive order.

(b) "Investment activities" means the placement of moneys with an investment agent to acquire an asset on behalf of the public entity with the goal of generating income or appreciation.

(c) "Investment agent" means a third-party investment manager.

(d) "Public entity" means the state of Idaho or any political subdivision thereof, including all boards, commissions, agencies, institutions, authorities, and bodies politic and corporate of the state, created by or in accordance with state law or regulations.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 28, 2022

CHAPTER 300  
(S.B. No. 1420)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF CORRECTION; APPROPRIATING MONEYS TO THE DEPARTMENT OF CORRECTION FOR FISCAL YEAR 2023; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; EXEMPTING THE APPROPRIATION FROM PROGRAM TRANSFER LIMITATIONS; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF CORRECTION FOR FISCAL YEAR 2022; CREATING THE HEPATITIS C FUND; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE HEPATITIS C FUND FOR FISCAL YEAR 2022; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF CORRECTION FOR THE MANAGEMENT SERVICES PROGRAM FOR FISCAL YEAR 2022; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF CORRECTION FOR THE MANAGEMENT SERVICES PROGRAM FOR PRE-PROSECUTION DIVERSION GRANTS FOR FISCAL YEAR 2022; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF CORRECTION FOR THE MANAGEMENT SERVICES PROGRAM FOR AN INMATE BANKING MODULE FOR FISCAL YEAR 2022; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF CORRECTION FOR THE PRISONS ADMINISTRATION PROGRAM FOR TRAUMA-INFORMED TREATMENT FOR FISCAL YEAR 2022; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF CORRECTION FOR THE PRISONS ADMINISTRATION PROGRAM FOR A DIGITAL RADIO SYSTEM FOR FISCAL YEAR 2022; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF CORRECTION FOR THE CORRECTIONAL ALTERNATIVE PLACEMENT PROGRAM FOR PAYING OFF A LEASE PURCHASE AGREEMENT FOR FISCAL YEAR 2022; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF CORRECTION FOR THE COMMUNITY SUPERVISION PROGRAM FOR FISCAL YEAR 2022; PROVIDING REAPPROPRIATION FOR THE TREATMENT OF HEPATITIS C; PROVIDING REAPPROPRIATION AUTHORITY FOR PRE-PROSECUTION DIVERSION GRANTS; PROVIDING REAPPROPRIATION AUTHORITY FOR AN INMATE BANKING MODULE; PROVIDING REAPPROPRIATION AUTHORITY FOR TRAUMA-INFORMED TREATMENT; 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 Correction the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2022, through June 30, 2023:

	FOR	FOR	FOR	FOR	TOTAL
	PERSONNEL	OPERATING	CAPITAL	TRUSTEE AND	
	COSTS	EXPENDITURES	OUTLAY	BENEFIT	
				PAYMENTS	
<b>I. MANAGEMENT SERVICES:</b>					
<b>FROM:</b>					
<b>General</b>					
Fund	\$10,174,700	\$8,576,200			\$18,750,900
<b>Inmate Labor</b>					
Fund	134,000				134,000
<b>Parolee Supervision</b>					
Fund	279,200	92,300			371,500
<b>Miscellaneous Revenue</b>					
Fund	<u>966,400</u>	<u>569,400</u>			<u>1,535,800</u>
<b>TOTAL</b>	<b>\$11,554,300</b>	<b>\$9,237,900</b>			<b>\$20,792,200</b>

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
<b>II. STATE PRISONS:</b>					
<b>A. PRISONS ADMINISTRATION:</b>					
FROM:					
General					
Fund	\$3,392,400	\$580,200			\$3,972,600
Miscellaneous Revenue					
Fund	394,100	161,400			555,500
Penitentiary Endowment Income					
Fund		72,400	\$293,000		365,400
ARPA State Fiscal Recovery					
Fund		500,000	10,000,000		10,500,000
Federal Grant					
Fund	<u>673,800</u>	<u>770,300</u>	<u>0</u>		<u>1,444,100</u>
TOTAL	\$4,460,300	\$2,084,300	\$10,293,000		\$16,837,600
<b>B. IDAHO STATE CORRECTIONAL INSTITUTION - BOISE:</b>					
FROM:					
General					
Fund	\$27,410,100	\$3,332,900			\$30,743,000
Inmate Labor					
Fund		50,100			50,100
Miscellaneous Revenue					
Fund	755,300	261,100			1,016,400
Penitentiary Endowment Income					
Fund	<u>0</u>	<u>1,066,300</u>	<u>\$514,400</u>		<u>1,580,700</u>
TOTAL	\$28,165,400	\$4,710,400	\$514,400		\$33,390,200
<b>C. IDAHO STATE CORRECTIONAL CENTER - BOISE:</b>					
FROM:					
General					
Fund	\$26,500,800	\$5,356,000			\$31,856,800
Inmate Labor					
Fund		2,400			2,400
Miscellaneous Revenue					
Fund		425,300			425,300
Penitentiary Endowment Income					
Fund	<u>0</u>	<u>199,100</u>	<u>\$102,100</u>		<u>301,200</u>
TOTAL	\$26,500,800	\$5,982,800	\$102,100		\$32,585,700

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
<b>D. IDAHO CORRECTIONAL INSTITUTION - OROFINO:</b>					
<b>FROM:</b>					
<b>General</b>					
Fund	\$9,874,700	\$1,614,600			\$11,489,300
<b>Inmate Labor</b>					
Fund	1,015,000	514,600	\$248,600		1,778,200
<b>Miscellaneous Revenue</b>					
Fund	80,900	62,200			143,100
<b>Penitentiary Endowment Income</b>					
Fund	<u>0</u>	<u>49,000</u>	<u>0</u>		<u>49,000</u>
<b>TOTAL</b>	<b>\$10,970,600</b>	<b>\$2,240,400</b>	<b>\$248,600</b>		<b>\$13,459,600</b>
<b>E. IDAHO MAXIMUM SECURITY INSTITUTION - BOISE:</b>					
<b>FROM:</b>					
<b>General</b>					
Fund	\$13,351,800	\$1,503,800			\$14,855,600
<b>Inmate Labor</b>					
Fund		52,700			52,700
<b>Miscellaneous Revenue</b>					
Fund	75,600	95,900			171,500
<b>Penitentiary Endowment Income</b>					
Fund	<u>0</u>	<u>232,100</u>	<u>\$107,300</u>		<u>339,400</u>
<b>TOTAL</b>	<b>\$13,427,400</b>	<b>\$1,884,500</b>	<b>\$107,300</b>		<b>\$15,419,200</b>
<b>F. NORTH IDAHO CORRECTIONAL INSTITUTION - COTTONWOOD:</b>					
<b>FROM:</b>					
<b>General</b>					
Fund	\$5,963,800	\$1,030,900			\$6,994,700
<b>Inmate Labor</b>					
Fund		43,200			43,200
<b>Miscellaneous Revenue</b>					
Fund	61,600	97,700			159,300
<b>Penitentiary Endowment Income</b>					
Fund	<u>0</u>	<u>197,100</u>	<u>\$51,800</u>		<u>248,900</u>
<b>TOTAL</b>	<b>\$6,025,400</b>	<b>\$1,368,900</b>	<b>\$51,800</b>		<b>\$7,446,100</b>
<b>G. SOUTH IDAHO CORRECTIONAL INSTITUTION - BOISE:</b>					
<b>FROM:</b>					
<b>General</b>					
Fund	\$9,452,300	\$2,528,500	\$12,000		\$11,992,800
<b>Inmate Labor</b>					
Fund	2,427,900	971,400	940,800		4,340,100

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
<b>Miscellaneous Revenue</b>					
Fund	155,900	98,400			254,300
<b>Penitentiary Endowment Income</b>					
Fund	<u>0</u>	<u>45,500</u>	<u>114,100</u>		<u>159,600</u>
TOTAL	\$12,036,100	\$3,643,800	\$1,066,900		\$16,746,800
<b>H. ST. ANTHONY WORK CAMP:</b>					
<b>FROM:</b>					
<b>General</b>					
Fund	\$5,071,800	\$649,600			\$5,721,400
<b>Inmate Labor</b>					
Fund	1,833,000	873,300	\$83,700		2,790,000
<b>Miscellaneous Revenue</b>					
Fund		21,000			21,000
<b>Penitentiary Endowment Income</b>					
Fund	<u>0</u>	<u>1,900</u>	<u>0</u>		<u>1,900</u>
TOTAL	\$6,904,800	\$1,545,800	\$83,700		\$8,534,300
<b>I. POCATELLO WOMEN'S CORRECTIONAL CENTER:</b>					
<b>FROM:</b>					
<b>General</b>					
Fund	\$6,942,600	\$904,300			\$7,846,900
<b>Inmate Labor</b>					
Fund	389,300	74,800			464,100
<b>Miscellaneous Revenue</b>					
Fund	278,100	116,400			394,500
<b>Penitentiary Endowment Income</b>					
Fund	<u>0</u>	<u>39,400</u>	<u>\$61,000</u>		<u>100,400</u>
TOTAL	\$7,610,000	\$1,134,900	\$61,000		\$8,805,900
<b>J. SOUTH BOISE WOMEN'S CORRECTIONAL CENTER:</b>					
<b>FROM:</b>					
<b>General</b>					
Fund	\$4,413,200	\$580,700			\$4,993,900
<b>Miscellaneous Revenue</b>					
Fund		39,800			39,800
<b>Penitentiary Endowment Income</b>					
Fund	<u>0</u>	<u>51,100</u>	<u>\$23,500</u>		<u>74,600</u>
TOTAL	\$4,413,200	\$671,600	\$23,500		\$5,108,300
<b>DIVISION</b>					
TOTAL	\$120,514,000	\$25,267,400	\$12,552,300		\$158,333,700

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
<b>III. COUNTY &amp; OUT-OF-STATE PLACEMENT:</b>					
<b>FROM:</b>					
<b>General</b>					
Fund		\$26,974,800			\$26,974,800
<b>IV. CORRECTIONAL ALTERNATIVE PLACEMENT:</b>					
<b>FROM:</b>					
<b>General</b>					
Fund		\$7,496,200	\$1,299,000		\$8,795,200
<b>Miscellaneous Revenue</b>					
Fund		<u>200,000</u>	<u>0</u>		<u>200,000</u>
<b>TOTAL</b>		<b>\$7,696,200</b>	<b>\$1,299,000</b>		<b>\$8,995,200</b>
<b>V. COMMUNITY CORRECTIONS:</b>					
<b>A. COMMUNITY SUPERVISION:</b>					
<b>FROM:</b>					
<b>General</b>					
Fund	\$23,596,100	\$8,548,200	\$120,600		\$32,264,900
<b>Inmate Labor</b>					
Fund		54,100			54,100
<b>Parolee Supervision</b>					
Fund	6,029,100	1,980,500	164,600		8,174,200
<b>Drug and Mental Health Court Supervision</b>					
Fund	556,500	27,200			583,700
<b>Miscellaneous Revenue</b>					
Fund	105,600				105,600
<b>Federal Grant</b>					
Fund	<u>81,900</u>	<u>595,300</u>	<u>0</u>	<u>\$400,000</u>	<u>1,077,200</u>
<b>TOTAL</b>	<b>\$30,369,200</b>	<b>\$11,205,300</b>	<b>\$285,200</b>	<b>\$400,000</b>	<b>\$42,259,700</b>
<b>B. COMMUNITY REENTRY CENTERS:</b>					
<b>FROM:</b>					
<b>General</b>					
Fund	\$5,332,600	\$43,700			\$5,376,300
<b>Inmate Labor</b>					
Fund	1,237,300	2,350,700	\$325,000		3,913,000
<b>Penitentiary Endowment Income</b>					
Fund	<u>0</u>	<u>18,700</u>	<u>0</u>		<u>18,700</u>
<b>TOTAL</b>	<b>\$6,569,900</b>	<b>\$2,413,100</b>	<b>\$325,000</b>		<b>\$9,308,000</b>
<b>DIVISION</b>					
<b>TOTAL</b>	<b>\$36,939,100</b>	<b>\$13,618,400</b>	<b>\$610,200</b>	<b>\$400,000</b>	<b>\$51,567,700</b>

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
<b>VI. COMMUNITY-BASED SUBSTANCE ABUSE TREATMENT:</b>					
FROM:					
General					
Fund	\$1,573,900	\$45,800		\$2,846,500	\$4,466,200
<b>VII. MEDICAL SERVICES:</b>					
FROM:					
General					
Fund		\$68,528,100			\$68,528,100
Miscellaneous Revenue					
Fund		<u>135,000</u>			<u>135,000</u>
TOTAL		\$68,663,100			\$68,663,100
GRAND TOTAL	\$170,581,300	\$151,503,600	\$14,461,500	\$3,246,500	\$339,792,900

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Correction is authorized no more than two thousand one hundred and three and eighty-five hundredths (2,103.85) full-time equivalent positions at any point during the period July 1, 2022, through June 30, 2023, 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 PROGRAM TRANSFER LIMITATIONS. The Department of Correction is hereby exempted from the provisions of Section 67-3511(2), Idaho Code, allowing unlimited transfers between programs for all moneys appropriated to it for the period July 1, 2022, through June 30, 2023; provided, however, moneys appropriated to the County and Out-of-State Placement Program, Correctional Alternative Placement Program, and Medical Services Program may only be transferred between said programs. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

SECTION 4. Notwithstanding any other provision of law to the contrary, the appropriation made to the Department of Correction in the County and Out-of-State Placement Program in Section 1, Chapter 99, Laws of 2021, from the General Fund is hereby reduced by \$12,000,000 for the period July 1, 2021, through June 30, 2022.

SECTION 5. HEPATITIS C FUND. There is hereby created in the state treasury the Hepatitis C Fund. The fund shall consist of moneys appropriated by the Legislature. The state treasurer shall invest the idle moneys of the fund, and the interest earned on such investments shall be retained by the fund. The Hepatitis C Fund is subject to appropriation by the Legislature, and moneys in the Hepatitis C Fund shall be used solely for treating and mitigating hepatitis C as agreed upon in *Turney v. Atencio*, Case No. 1:18-cv-00001-BLW (D. Idaho Jan. 17, 2019).



SECTION 6. CASH TRANSFER. There is hereby appropriated and the Office of the State Controller shall transfer \$12,000,000 from the General Fund to the Hepatitis C Fund as soon as practicable for the period July 1, 2021, through June 30, 2022.

SECTION 7. In addition to the appropriation made in Section 1, Chapter 99, Laws of 2021, and any other appropriation provided by law, there is hereby appropriated to the Idaho Department of Correction for the Management Services Program \$12,000,000 from the Hepatitis C Fund to be expended for operating expenditures for the period July 1, 2021, through June 30, 2022.

SECTION 8. In addition to the appropriation made in Section 1, Chapter 99, Laws of 2021, and any other appropriation provided by law, there is hereby appropriated to the Idaho Department of Correction for the Management Services Program \$2,500,000 from the General Fund, to be expended for operating expenditures for the period July 1, 2021, through June 30, 2022, for the purpose of pre-prosecution diversion grants.

SECTION 9. In addition to the appropriation made in Section 1, Chapter 99, Laws of 2021, and any other appropriation provided by law, there is hereby appropriated to the Idaho Department of Correction for the Management Services Program \$1,800,000 from the General Fund, to be expended for operating expenditures for the period July 1, 2021, through June 30, 2022, for the purpose of an inmate banking module.

SECTION 10. In addition to the appropriation made in Section 1, Chapter 99, Laws of 2021, and any other appropriation provided by law, there is hereby appropriated to the Idaho Department of Correction for the Prisons Administration Program \$500,000 from the General Fund, to be expended for operating expenditures for the period July 1, 2021, through June 30, 2022, for the purpose of trauma-informed treatment.

SECTION 11. In addition to the appropriation made in Section 1, Chapter 99, Laws of 2021, and any other appropriation provided by law, there is hereby appropriated to the Department of Correction for the Prisons Administration Program from the General Fund the following amounts to be expended for the designated expense classes for the period July 1, 2021, through June 30, 2022, for a digital radio system:

FOR:

Operating Expenditures	\$2,270,000
Capital Outlay	<u>930,000</u>
TOTAL	\$3,200,000

SECTION 12. In addition to the appropriation made in Section 1, Chapter 99, Laws of 2021, and any other appropriation provided by law, there is hereby appropriated to the Idaho Department of Correction for the Correctional Alternative Placement Program \$10,738,000 from the General Fund to be expended for operating expenditures for the period July 1, 2021, through June 30, 2022, for the purpose of paying off the lease purchase agreement.

SECTION 13. In addition to the appropriation made in Section 1, Chapter 99, Laws of 2021, and any other appropriation provided by law, there is hereby appropriated to the Idaho Department of Correction for the Community Supervision Program \$500,000 from the Federal Grant Fund, to be expended for operating expenditures for the period July 1, 2021, through June 30, 2022.

SECTION 14. REAPPROPRIATION AUTHORITY FOR THE TREATMENT OF HEPATITIS C. There is hereby reappropriated to the Idaho Department of Correction any unexpended and unencumbered balances appropriated to the Idaho Department of Correction from the Hepatitis C Fund for hepatitis C treatment for fiscal year 2022, in an amount not to exceed \$12,000,000 from the Hepatitis C Fund to be used for nonrecurring expenditures related to hepatitis C for the period July 1, 2022, through June 30, 2023. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 15. REAPPROPRIATION AUTHORITY FOR PRE-PROSECUTION DIVERSION GRANTS. There is hereby reappropriated to the Idaho Department of Correction any unexpended and unencumbered balances appropriated to the Idaho Department of Correction from the General Fund for pre-prosecution diversion grants for fiscal year 2022, in an amount not to exceed \$2,500,000 from the General Fund to be used for nonrecurring expenditures related to pre-prosecution diversion grants for the period July 1, 2022, through June 30, 2023. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 16. REAPPROPRIATION AUTHORITY FOR AN INMATE BANKING MODULE. There is hereby reappropriated to the Idaho Department of Correction any unexpended and unencumbered balances appropriated to the Idaho Department of Correction from the General Fund for an inmate banking module for fiscal year 2022, in an amount not to exceed \$1,800,000 from the General Fund to be used for nonrecurring expenditures related to an inmate banking module for the period July 1, 2022, through June 30, 2023. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 17. REAPPROPRIATION AUTHORITY FOR TRAUMA-INFORMED TREATMENT. There is hereby reappropriated to the Idaho Department of Correction any unexpended and unencumbered balances appropriated to the Idaho Department of Correction from the General Fund for trauma-informed treatment for fiscal year 2022, in an amount not to exceed \$500,000 from the General Fund to be used for nonrecurring expenditures related to trauma-informed treatment for the period July 1, 2022, through June 30, 2023. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 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 28, 2022

## CHAPTER 301

(H.B. No. 582, As Amended in the Senate)

## AN ACT

RELATING TO BUILDING CODES; AMENDING SECTION 54-1016, IDAHO CODE, TO PROVIDE AN EXEMPTION FOR NONPROFIT ELECTRICAL INSTALLATION, TO PROVIDE CORRECT TERMINOLOGY, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-2602, IDAHO CODE, TO PROVIDE AN EXEMPTION FOR NONPROFIT PLUMBING INSTALLATION, TO PROVIDE CORRECT TERMINOLOGY, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-5002, IDAHO CODE, TO PROVIDE AN EXEMPTION FOR NONPROFIT HVAC INSTALLATION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 54-1016, Idaho Code, be, and the same is hereby amended to read as follows:

54-1016. EXEMPTIONS. (1) Nothing in this chapter shall be deemed to apply to:

(a) Any regulated utility, telephone company, rural telephone cooperative or municipal communications utility, or its employees, in the installation or maintenance of communication circuits, wires and apparatus by or for such entities or their communications service customers;

(b) Any electrical public utility, or its employees, in the installation and maintenance of electrical wiring, circuits, apparatus and equipment by or for such public utility, or comprising a part of its plants, lines or system;

(c) Modular buildings as defined in section 39-4301, Idaho Code, that are constructed in the state of Idaho for installation on building sites outside the state; provided however, that no modular building shall be installed on a building site in the state of Idaho until it has been approved and bears the insignia of approval of the division as being in compliance with the requirements set forth in section 39-4304, Idaho Code.

(2) The licensing provisions of this chapter shall not apply to:

(a) Any property owner performing noncommercial electrical work in the owner's primary or secondary residence, or associated outbuildings or land associated with the entire property on which those buildings sit, except that homeowner installations of renewable power generation connected to the community power grid shall be subject to a preplan review in accordance with local jurisdictions' policies and procedures prior to the purchase of a permit;

(b) Any person regularly employed as a maintenance electrician performing electrical maintenance work on the premises owned and operated by his employer, provided that electrical work is limited to maintenance and replacement of electrical fixtures, electrical conductors, electrical equipment and electrical apparatus on a like-for-like basis;

(c) Any telephone company, rural telephone cooperative, or municipal communications utility, its employees, its subsidiaries, and employees of the subsidiaries performing work on customer-owned facilities under the exclusive control of the telephone company, rural telephone cooperative, or municipal communications utility;

(d) Any telephone company, rural telephone cooperative, or municipal communications utility, its employees, its subsidiaries, and employees of the subsidiaries performing repair work on customer-owned facilities at the request of the customer;

(e) Any electrical public utility, rural electrical cooperative, municipal power utility, its employees, its subsidiaries, and employees of the subsidiaries performing work on customer-owned facilities under the exclusive control of the electrical public utility, rural electrical cooperative, or municipal power utility; and

(f) Any electrical public utility, rural electrical cooperative, municipal power utility, its employees, its subsidiaries, and employees of the subsidiaries performing emergency repair work on customer-owned facilities at the request of the customer;

(g) A fire department employee who is acting in his official capacity as a representative of his agency when he is replacing, maintaining, or repairing a hard-wired smoke or carbon monoxide alarm at the request of a homeowner in a one (1) or two (2) family dwelling unit, provided that such fire department employee has received annual training regarding electrical safety and installation of the devices identified in this paragraph;

(h) A limited electrical contractor, limited electrical installer, or employee of a company holding a limited electrical contractor license who is replacing or installing a fire alarm communication device (DACT). A person provided for in this paragraph shall obtain a permit if required by the authority having jurisdiction but must not be required to submit design plans. The fire alarm communication device (DACT) may be inspected if required by the authority having jurisdiction after replacement of the fire alarm communication device (DACT). The fee for a permit shall not exceed one hundred twenty-five dollars (\$125); or

(i) A nonprofit organization that is chartered to build houses and that has tax-exempt status under section 501(c)(3) of the Internal Revenue Code, including a religious corporation, and such organization's volunteers, performing electrical installations for a single-family dwelling unit. An organization described in this paragraph shall designate a primary contact person with whom inspectors may communicate.

(3) The licensing provisions of this chapter shall not apply to individuals licensed pursuant to chapter 50, title 54, Idaho Code, or certified pursuant to chapter 26, title 54, Idaho Code, as follows:

(a) Individuals holding a current heating, ventilation and air conditioning (HVAC) license or a current plumbing certification may install electrical circuitry and make connections from the disconnecting means to a water heater as long as the disconnect is in sight from the unit and the circuit from the disconnecting means to the water heater is no more than fifty (50) feet long.

(b) Individuals holding a current HVAC license may install:

(i) Electrical space heaters with no attached ductwork;

(ii) Electrical connections to HVAC equipment from the disconnecting means to the unit as long as the disconnect is in sight from the unit and the circuit from the disconnecting means to the HVAC equipment is no more than fifty (50) feet long; and

(iii) Ventilating fans, except ducted range hoods in residences.

(c) HVAC licensees may install control wiring of twenty-four (24) volts or less for HVAC equipment of five (5) tons or less in capacity. Plumbing certificate holders are not authorized to install control wiring in HVAC equipment, regardless of voltage.

(d) Individuals holding a current limited energy electrical license may install electrical circuitry and make connections from utilization equipment installed under the restricted category of the limited electrical installer license to outlets, as long as those outlets are in sight from such utilization equipment and not more than fifty (50) feet from such utilization equipment. Outlets shall be installed by others.

(4) To the extent that a plumbing or HVAC installation permit issued by the Idaho division of ~~building safety~~ occupational and professional licenses includes any part of an electrical installation, the permit issued and inspection performed shall be sufficient to satisfy the permitting and inspecting requirements of this chapter if all required permit fees have been paid.

(5) Approval and certification requirements of product and equipment as set forth in this chapter and in the adopted edition of the national electrical code do not apply to industrial machinery unless the board has made a determination that such product, machine or classes of products and machines present an undue hazard to life and property.

(6) Apprentice registration requirements shall not apply to high school students enrolled in an educational program recognized by the board in which the performance of electrical installation is a formal component of the program. The exemption is limited to students performing residential installations as part of such program under the constant on-the-job supervision of a licensed journeyman electrician<sup>7</sup> and a permit for the work is obtained from the authority having jurisdiction. Work hours performed by such students shall not apply toward apprentice work requirements.

(7) Neither local jurisdictions nor the state fire marshal shall have the authority to amend the exemptions provided for in this section or to adopt any ordinance, law, or rule in conflict with the provisions of this section.

SECTION 2. That Section 54-2602, Idaho Code, be, and the same is hereby amended to read as follows:

54-2602. EXCEPTIONS. (1) Certificate of competency requirements of this chapter shall not be deemed to apply to:

(a) Any person who does plumbing work in a single or duplex family dwelling, including accessory buildings, quarters and grounds in connection with such dwelling; provided that such person owns or is a contract purchaser of the premises, and provided further that such person shall comply with the minimum standards and rules applicable to plumbing practices provided by this chapter.

(b) Farm buildings located outside the incorporated limits of any city unless such buildings are connected to a public water or sewer system; and a farm building is hereby defined to be a structure located on agricultural zoned property and designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products and includes sheds, barns, corrals or fences. This definition does not include a place for human habitation or a place of regular employment where agricultural products are extracted, processed, treated or packaged; a place used by the public; or conditioned livestock housing.

(c) Logging, mining or construction camps when plumbing installations are made to conform with the recommendations of the department of health and welfare.

(d) Piping systems in industrial processing plants located outside the incorporated limits of any city unless such systems are connected to a public water or sewer system.

(e) Work on plumbing systems on premises owned or operated by an employer who regularly employs maintenance or construction plumbers, provided that alterations, extensions and new construction shall comply with the minimum standards and rules applicable to plumbing practices provided by this chapter.

(f) Nothing contained in this section or any other provision of this code shall be construed or applied to require a sewer contractor, sewage disposal contractor, or any excavating or utility contractor who generally engages in the business of installing, altering or repairing sewers, private and public sewage disposal systems, and water distribution and/or drainage lines outside the foundation walls of any building or structure, to obtain a valid contractor's certificate of competency or to employ only journeymen plumbers possessing a valid journeyman plumber's certificate of competency or registration, or to in any way require that his employees be registered, licensed or declared competent by the board.

(g) Water treatment installations and repairs when installed in residential or business properties, provided the same, when installed, repaired or completed, shall be inspected by a designated, qualified and properly identified agent of the division of building safety occupational and professional licenses as to quality of workmanship and compliance with the applicable provisions of this chapter.

(h) Plumbing work within modular buildings as defined in section 39-4301, Idaho Code, that are constructed in the state of Idaho for installation on building sites outside the state; provided however, that no modular building shall be installed on a building site in the state of Idaho until it has been approved and bears the insignia of approval of the division as being in compliance with the requirements set forth in section 39-4304, Idaho Code.

(i) Individuals holding a current installer license pursuant to the provisions of chapter 21, title 44, Idaho Code, may make connections from manufactured home or mobile home sewer or water facilities to existing sewer or water facilities on-site.

(j) Individuals licensed pursuant to chapter 10, title 54, Idaho Code, or chapter 50, title 54, Idaho Code, as follows:

(i) Individuals holding a current HVAC or electrical license may install electrical circuitry from the disconnecting means to a water heater and electrical connections to the water heater as long as the disconnect is in sight from the unit and the circuit from the disconnecting means to the water heater is no more than fifty (50) feet long.

(ii) Individuals holding a current HVAC license may install gas piping and piping for hydronic systems.

(iii) Individuals holding a current HVAC license may install boilers that are not otherwise subject to inspection by the industrial commission or its authorized agent.

(k) A nonprofit organization that is chartered to build houses and that has tax-exempt status under section 501(c)(3) of the Internal Revenue Code, including a religious corporation, and such organization's volunteers, performing plumbing installations for a single-family dwelling unit. An organization described in this paragraph shall designate a primary contact person with whom inspectors may communicate.

(2) To the extent that an electrical or HVAC installation permit issued by the Idaho division of building safety occupational and professional licenses includes any part of a plumbing installation, the permit issued and inspection performed shall be sufficient to satisfy the permitting and inspecting requirements of this chapter if all required permit fees have been paid.

(3) Apprentice registration requirements shall not apply to high school students enrolled in an educational program recognized by the board in which the performance of plumbing installation is a formal component of the program. The exemption is limited to students performing residential installations as part of such program under the constant on-the-job supervision of a licensed journeyman plumber, and a permit for the work is obtained from the authority having jurisdiction. Work hours performed by such students shall not apply toward apprentice work requirements.

(4) Any person, firm, copartnership, association or corporation making water treatment installations and/or repairs in accordance with the provisions of this chapter shall maintain a surety bond in the amount of two thousand dollars (\$2,000).

SECTION 3. That Section 54-5002, Idaho Code, be, and the same is hereby amended to read as follows:

54-5002. EXCEPTIONS. (1) Certificate of competency requirements of this chapter shall not apply to:

(a) Any person who installs or maintains a heating, ventilation and air conditioning system in a single or duplex family dwelling, including accessory buildings, quarters and grounds in connection with such dwelling; provided that such person owns or is a contract purchaser of the premises; and provided further that such person shall comply with the standards and rules applicable to heating, ventilation and air conditioning installation or repairs as provided in this chapter.

(b) Farm buildings located outside the incorporated limits of any city; and a farm building is hereby defined to be a structure located on agricultural zoned property and designated and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products and includes sheds, barns, corrals or fences. This definition does not include a place for human habitation or a place of regular employment where agricultural products are extracted, processed, treated or packaged; a place used by the public; or conditioned livestock housing.

(c) Logging, mining or construction camps when heating, ventilation or air conditioning installations are made to conform to the recommendations of the department of health and welfare.

(d) Work on heating, ventilation or air conditioning systems on premises owned or operated by an employer who regularly employs maintenance or construction heating, ventilation and air conditioning journeymen, provided that alterations, extensions and new construction shall comply with the minimum standards and rules applicable to heating, ventilation and air conditioning practices in accordance with the provisions of this chapter.

(e) Modular buildings, as defined in section 39-4301, Idaho Code, that are constructed in the state of Idaho for installation on building sites outside the state; provided however, that no modular building shall be installed on a building site in the state of Idaho until it has been approved and bears the insignia of approval of the division as being in compliance with the requirements set forth in section 39-4304, Idaho Code.

(f) A nonprofit organization that is chartered to build houses and that has tax-exempt status under section 501(c)(3) of the Internal Revenue Code, including a religious corporation, and such organization's volunteers, performing HVAC installations for a single-family dwelling unit. An organization described in this paragraph shall designate a primary contact person with whom inspectors may communicate.

(2) Apprentice registration requirements shall not apply to high school students enrolled in an educational program recognized by the board in which the performance of HVAC installation is a formal component of the program. The exemption is limited to students performing residential installations as part of such program under the constant on-the-job supervision of a licensed journeyman, and a permit for the work is obtained from the authority having jurisdiction. Work hours performed by such students shall not apply toward apprentice work requirements.

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 28, 2022

#### CHAPTER 302

(H.B. No. 660, As Amended in the Senate)

#### AN ACT

RELATING TO THE ENERGY CONSERVATION CODE; AMENDING TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 97, TITLE 39, IDAHO CODE, TO PROVIDE FOR THE ADOPTION OF THE IDAHO ENERGY CONSERVATION CODE, TO PROVIDE FOR APPROVAL OF THE IDAHO ENERGY CONSERVATION CODE BY THE IDAHO BUILDING CODE BOARD AND THE LEGISLATURE, TO PROVIDE FOR PREEMPTION, AND TO CLARIFY AN EFFECTIVE DATE; AMENDING SECTION 39-4109, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES AND TO PROVIDE FOR THE 2018 IDAHO ENERGY CONSERVATION CODE; AMENDING SECTION 39-4116, IDAHO CODE, TO PROVIDE FOR THE 2018 IDAHO ENERGY CONSERVATION CODE AND TO REMOVE PROVISIONS REGARDING LOCAL JURISDICTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Title 39, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 97, Title 39, Idaho Code, and to read as follows:

#### CHAPTER 97

#### IDAHO ENERGY CONSERVATION CODE

39-9701. IDAHO ENERGY CONSERVATION CODE. (1) On and after July 1, 2022, the Idaho state energy code shall be the 2018 international energy conservation code, as amended, revised, or modified by the Idaho building code board and approved by the legislature. The international energy conservation code, together with such amendments, revisions, or modifications as approved by the Idaho building code board through rulemaking conducted pursuant to the Idaho administrative procedure act, chapter 52, title 67, Idaho Code, and approved by the legislature shall collectively constitute and be named the Idaho energy conservation code and shall be deemed approved by the Idaho building code board and the legislature.



(2) The provisions of this chapter preempt, eliminate, and prohibit any cities, counties, incorporated or unincorporated areas, special use districts, or any other local governmental entities of any kind from adopting energy code or related requirements that differ from or are more extensive than the requirements of the Idaho energy conservation code as provided for in this chapter. The provisions of this chapter shall not apply to chapter 1 of the 2018 international energy conservation code with respect to the administrative processes of any city, county, incorporated or unincorporated area, special use district, or any other local governmental entity.

(3) This chapter shall not be applied retroactively to codes or amendments adopted by local jurisdictions prior to July 1, 2018.

SECTION 2. That Section 39-4109, Idaho Code, be, and the same is hereby amended to read as follows:

39-4109. APPLICATION OF CODES. (1) The following codes are hereby adopted for the state of Idaho division of ~~building safety~~ occupational and professional licenses and shall only be applied by local governments as prescribed by section 39-4116, Idaho Code:

(a) The 2006 International Building Code shall be in effect, until such time as a subsequent version is adopted by the Idaho building code board, at which time the subsequent versions of the International Building Code as adopted and amended by the Idaho building code board through the negotiated rulemaking process as established in section 67-5221, Idaho Code, and as further provided in subsection (5) of this section and in accordance with subsections (2) and (3) of this section shall be in effect:

(i) Including appendices thereto pertaining to building accessibility;

(ii) Excluding the incorporated electrical codes, mechanical code, fuel gas code, plumbing codes, fire codes or property maintenance codes other than specifically referenced subjects or sections of the International Fire Code; and

(iii) Including the incorporated Idaho residential code, parts I, II, III and IX; Idaho energy conservation code; and rules promulgated by the board to provide equivalency with the provisions of the Americans with disabilities act accessibility guidelines and the fair housing act accessibility guidelines shall be included.

(b) The version of the International Residential Code adopted by the Idaho building code board, together with the amendments, revisions or modifications adopted by the Idaho building code board through the negotiated rulemaking process, except for parts IV, V, VI, VII and VIII, as they pertain to energy conservation, mechanical, fuel gas, plumbing and electrical requirements, shall collectively constitute and be named the Idaho residential code. The Idaho residential code shall be in effect until such time as a subsequent version is adopted by the Idaho building code board, at which time the subsequent version of the Idaho residential code, as adopted and amended by the Idaho building code board through the negotiated rulemaking process provided in this section, shall be in effect. Any amendments, revisions or modifications made to the Idaho residential code by the board shall be made by administrative rules promulgated by the board;

~~(c) The version of the International Energy Conservation Code adopted by the Idaho building code board, together with the amendments, deletions or additions adopted by the Idaho building code board through the negotiated rulemaking process provided in this chapter, shall be in effect. The International Energy Conservation Code, together with any amendments, revisions or modifications made by the board, shall collectively constitute and be named the Idaho energy conservation code.~~

~~The Idaho energy conservation code shall be in effect until such time as a subsequent version is adopted by the Idaho building code board, at which time the subsequent versions of the Idaho energy conservation code, as adopted and amended by the Idaho building code board through the negotiated rulemaking process provided in this section, shall be in effect. Any amendments, revisions or modifications made to the Idaho energy conservation code by the board shall be made by administrative rules promulgated by the board~~ The 2018 Idaho energy conservation code, as amended, revised, or modified by the Idaho building code board and approved by the legislature pursuant to section 39-9701, Idaho Code; and

(d) The 2006 International Existing Building Code as published by the International Code Council shall be in effect until such time as a subsequent version is adopted by the Idaho building code board, at which time the subsequent versions of the International Existing Building Code, as adopted and amended by the Idaho building code board through the negotiated rulemaking process provided in this section, shall be in effect.

(2) No amendments to the accessibility guidelines shall be made by the Idaho building code board that provide for lower standards of accessibility than those published by the International Code Council.

(3) No amendments to the Idaho residential building code shall be made by the Idaho building code board that provide for standards that are more restrictive than those published by the International Code Council.

(4) Any edition of the building codes adopted by the board will take effect on January 1 of the year following its adoption.

(5) In addition to the negotiated rulemaking process set forth in section 67-5221, Idaho Code, the board shall conduct a minimum of two (2) public hearings, not less than sixty (60) days apart. Express written notice of such public hearings shall be given by the board to each of the following entities not less than five (5) days prior to such hearing: associated general contractors of America, associated builders and contractors, association of Idaho cities, Idaho association of building officials, Idaho association of counties, Idaho association of REALTORS®, Idaho building contractors association, American institute of architects Idaho chapter, Idaho fire chiefs association, Idaho society of professional engineers, Idaho state independent living council, southwest Idaho building trades, Idaho building trades, and any other entity that, through electronic or written communication received by the administrator not less than twenty (20) days prior to such scheduled meeting, requests written notification of such public hearings.

SECTION 3. That Section 39-4116, Idaho Code, be, and the same is hereby amended to read as follows:

39-4116. LOCAL GOVERNMENT ADOPTION AND ENFORCEMENT OF BUILDING CODES. (1) Local governments enforcing building codes shall do so only in compliance with the provisions of this section. Local governments that have not previously instituted and implemented a code enforcement program prior to the effective date of this act may elect to implement a building code enforcement program by passing an ordinance evidencing the intent to do so. Local governments may contract with a public or private entity to administer their building code enforcement program.

(2) Local governments that issue building permits and perform building code enforcement activities shall, by ordinance effective January 1 of the year following the adoption by the Idaho building code board, adopt the following codes as published by the International Code Council together with any amendments or revisions set forth in section 39-4109, Idaho Code, including subsequent versions of the International Building Code as adopted and amended by the Idaho building code board through the negotiated rulemaking process provided in this chapter:

- (a) International Building Code, including all rules promulgated by the board to provide equivalency with the provisions of the Americans with disabilities act accessibility guidelines and the federal fair housing act accessibility guidelines;
- (b) Idaho residential code, parts I-III and IX; and
- (c) 2018 Idaho energy conservation code, pursuant to chapter 97, title 39, Idaho Code.

Local governments are not required by this chapter to adopt the other referenced codes in the International Building Code. Local jurisdictions shall not adopt provisions, chapters, sections or parts of subsequent versions of the International Residential Code or residential provisions of the International Energy Conservation Code, or subsequent versions in their entirety, that have not been adopted by the Idaho building code board except as provided in subsection (4) of this section.

(3) All single family homes and multiple family dwellings up to two (2) units are hereby exempted from the provisions of the International Fire Code, the International Building Code and the Idaho residential code that require such dwellings to have automatic fire sprinkler systems installed. Nothing in this section shall prevent any person from voluntarily installing an automatic fire sprinkler system in any residential dwelling.

(4) Except as provided in this subsection, local governments may amend by ordinance the adopted codes or provisions of referenced codes to reflect local concerns, provided such amendments establish at least an equivalent level of protection to that of the adopted building code. A local jurisdiction shall not have the authority to amend any accessibility provision pursuant to section 39-4109, Idaho Code, except as provided in this subsection.

(a) A local jurisdiction shall not have the authority to amend any accessibility provision pursuant to section 39-4109, Idaho Code.

(b) A local jurisdiction shall not adopt any provision, chapter, section or part of the International Residential Code or residential provisions of the International Energy Conservation Code, or subsequent versions in their entirety, that have not been adopted or that have been expressly rejected or exempted from the adopted version of those codes by the Idaho building code board through the negotiated rulemaking process as provided in section 39-4109, Idaho Code.

(c) Local jurisdictions may amend by ordinance the following provisions of the Idaho residential code to reflect local concerns:

- (i) Part I, Administrative;
- (ii) Part II, Definitions;
- (iii) Part III, Building Planning and Construction, Section R 301, Design Criteria; and
- (iv) Part IX, Appendices.

~~(d) Local jurisdictions may amend by ordinance the following provisions of the Idaho energy conservation code to reflect local concerns:~~

- ~~(i) Chapter 1, Scope and Application; and~~
- ~~(ii) Chapter 2, Definitions.~~

(e) Local jurisdictions may amend the remainder of Part III of the Idaho residential code if they find that good cause for building or life safety exists for such an amendment to such codes and that such amendment is reasonably necessary. Amendments shall be adopted by ordinance in accordance with the provisions of chapter 9, title 50, Idaho Code, or chapter 7, title 31, Idaho Code, and provided further that such local jurisdiction shall conduct a public hearing and, provided further, that notice of the time and place of the public hearing shall be published in the official newspaper or paper of general circulation within the jurisdiction and written notice of each of such public hearing and the proposed language shall be given by the local jurisdiction to the local chapters of the entities identified in section 39-4109(5), Idaho Code, not less than thirty (30) days prior to such hearing. In the event that there are no local chapters of such entities identified in section 39-4109(5), Idaho Code, within the local jurisdiction holding the hearings, the notice shall be provided to the state associations of the respective entities.

(5) Local governments shall exempt agricultural buildings from the requirements of the codes enumerated in this chapter and the rules promulgated by the board. A county may issue permits for farm buildings to assure compliance with road setbacks and utility easements, provided that the cost for such permits shall not exceed the actual cost to the county of issuing the permits.

(6) Permits shall be governed by the laws in effect at the time the permit application is received.

(7) The division shall retain jurisdiction for in-plant inspections and installation standards for manufactured or mobile homes and for in-plant inspections and enforcement of construction standards for modular buildings and commercial coaches.

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 28, 2022

CHAPTER 303  
(H.B. No. 699)

AN ACT

RELATING TO EVIDENCE; AMENDING SECTION 9-203, IDAHO CODE, TO DEFINE TERMS, TO PROHIBIT DISCLOSURE OF CERTAIN COMMUNICATIONS, TO PROVIDE EXCEPTIONS, TO PROVIDE THAT CERTAIN DISCLOSURES ARE SUBJECT TO THE RULES OF THE IDAHO SUPREME COURT, AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 9-203, Idaho Code, be, and the same is hereby amended to read as follows:

9-203. CONFIDENTIAL RELATIONS AND COMMUNICATIONS. There are particular relations in which it is the policy of the law to encourage confidence and to preserve it inviolate; therefore, a person cannot be examined as a witness in the following cases:

(1-) A husband cannot be examined for or against his wife, without her consent, nor a wife for or against her husband, without his consent; nor can either, during the marriage or afterwards, be, without the consent of the other, examined as to any communication made by one to the other during the marriage; but this exception does not apply to a civil action or proceeding by one against the other nor to a criminal action or proceeding for a crime committed by violence of one against the person of the other, nor does this exception apply to any case of physical injury to a child where the injury has been caused as a result of physical abuse or neglect by one or both of the parents, nor does this exception apply to any case of lewd and lascivious conduct or attempted lewd and lascivious conduct where either party would otherwise be protected by this privilege.

(2-) An attorney cannot, without the consent of his client, be examined as to any communication made by the client to him, or his advice given thereon, in the course of professional employment. The word client used herein shall be deemed to include a person, a corporation or an association.

(3-) A clergyman or priest cannot, without the consent of the person making the confession, be examined as to any confession made to him in his professional character in the course of discipline enjoined by the church to which he belongs.

(4-) A physician or surgeon cannot, without the consent of his patient, be examined in a civil action as to any information acquired in attending the patient which was necessary to enable him to prescribe or act for the patient, provided, however, that:

(Aa) Nothing herein contained shall be deemed to preclude physicians from reporting of and testifying at all cases of physical injury to children, where it appears the injury has been caused as a result of physical abuse or neglect by a parent, guardian or legal custodian of the child.

(Bb) Nothing herein contained shall be deemed to preclude physicians from testifying at all cases of physical injury to a person where it appears the injury has been caused as a result of domestic violence.

(Cc) After the death of a patient, in any action involving the validity of any will or other instrument executed, or claimed to have been executed, by him, conveying or transferring any real or personal property or incurring any financial obligation, such physician or surgeon may testify to the mental or physical condition of such patient and in so testifying may disclose information acquired by him concerning such patient which was necessary to enable him to prescribe or act for such deceased.

(Dd) ~~That~~ Where any person or his heirs or representatives brings an action to recover damages for personal injuries or death, such action shall be deemed to constitute a consent by the person bringing such action that any physician who has prescribed for or treated said injured or deceased person and whose testimony is material in the action may testify.

(Ee) ~~That~~ If the patient be dead and during his lifetime had not given such consent, the bringing of an action by a beneficiary, assignee or payee or by the legal representative of the insured, to recover on any life, health or accident insurance policy, shall constitute a consent by such beneficiary, assignee, payee or legal representative to the testimony of any physician who attended the deceased.

(5-) A public officer cannot be examined as to communications made to him in official confidence, when the public interests would suffer by disclosure.

(6-) Any certificated counselor, psychologist or psychological examiner, duly appointed, regularly employed and designated in such capacity by any public or private school in this state for the purpose of counseling students, shall be immune from disclosing, without the consent of the student, any communication made by any student so counseled or examined in any civil or criminal action to which such student is a party. Such matters so communicated shall be privileged and protected against disclosure.

(7-) Any parent, guardian or legal custodian shall not be forced to disclose any communication made by their minor child or ward to them concerning matters in any civil or criminal action to which such child or ward is a party. Such matters so communicated shall be privileged and protected against disclosure; excepting, this section does not apply to a civil action or proceeding by one against the other nor to a criminal action or proceeding for a crime committed by violence of one against the person of the other, nor does this section apply to any case of physical injury to a minor child where the injury has been caused as a result of physical abuse or neglect by one or both of the parents, guardians or legal custodians.

(8) (a) As used in this subsection:

(i) "First responder" means:

1. A peace officer as defined in section 19-5101(d), Idaho Code, when employed by a city, county, or the Idaho state police;

2. A firefighter as defined in section 59-1302(16), Idaho Code;

3. A volunteer emergency responder as defined in section 72-102(31), Idaho Code;

4. An emergency medical service (EMS) provider certified by the department of health and welfare pursuant to sections 56-1011 through 56-1018B, Idaho Code, and an ambulance-based clinician as defined in the rules governing emergency medical services as adopted by the department of health and welfare; and

5. An emergency communications officer as defined in section 19-5101(f), Idaho Code.

(ii) "Peer support counseling session" means a meeting conducted by a peer support specialist, which meeting is held in response to a critical incident, traumatic event, or other personal or professional wellness issue.

(iii) "Peer support specialist" means a person designated by a public agency employing first responders to lead, moderate, or assist in a peer support counseling session.

(b) Any peer support specialist or participant in a peer support counseling session cannot disclose and shall not be forced to disclose a communication made during or arising out of a peer support counseling session without the consent of the person who made the communication or about whom the communication was made, unless the communication:

(i) Involves a threat of suicide or a threat to commit a criminal act;

(ii) Involves information required by law to be reported; or

(iii) Is an admission of criminal conduct.

(c) Any disclosure permitted by paragraph (b) of this subsection that is made during or as part of court proceedings is subject to the rules of the Idaho supreme court.

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

Approved March 28, 2022

CHAPTER 304  
(H.B. No. 803)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF COMMERCE FOR FISCAL YEAR 2023; APPROPRIATING MONEYS TO THE DEPARTMENT OF COMMERCE FOR FISCAL YEAR 2023; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING REAPPROPRIATION AUTHORITY; PROVIDING AGENCY DIRECTION; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE IDAHO OPPORTUNITY FUND FOR FISCAL YEAR 2023; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. There is hereby appropriated to the Department of Commerce the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2022, through June 30, 2023:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:				
General				
Fund	\$2,959,600	\$1,198,700	\$2,250,000	\$6,408,300
Idaho Opportunity				
Fund			3,000,000	3,000,000
Tourism and Promotion				
Fund	1,019,300	11,457,500	9,937,000	22,413,800
Miscellaneous Revenue				
Fund		157,500		157,500
Seminars and Publications				
Fund		378,400		378,400
American Rescue Plan				
Fund		1,000,000		1,000,000
ARPA State Fiscal Recovery				
Fund			1,000,000	1,000,000
Federal Grant				
Fund	740,900	848,300	64,695,800	66,285,000
TOTAL	\$4,719,800	\$15,040,400	\$80,882,800	\$100,643,000

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Commerce is authorized no more than forty-four (44.00) full-time equivalent positions at any point during the period July 1, 2022, through June 30, 2023, 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 Department of Commerce any unexpended and unencumbered balances appropriated or reappropriated to the Department of Commerce from the Idaho Broadband Fund for fiscal year 2022, not to exceed \$35,000,000, to be used for nonrecurring expenditures for the period July 1, 2022, through June 30, 2023. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 4. BROADBAND INFRASTRUCTURE. Notwithstanding any law to the contrary, the Department of Commerce shall allocate all moneys appropriated to it from the Infrastructure Investment and Jobs Act for the purpose of broadband grants at the direction of the Idaho Broadband Advisory Board.

SECTION 5. CASH TRANSFER. There is hereby appropriated and the Office of the State Controller shall transfer \$2,000,000 from the General Fund to the Idaho Opportunity Fund on July 1, 2022, or as soon as practicable thereafter.

SECTION 6. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 28, 2022

CHAPTER 305  
(H.B. No. 810)

AN ACT

RELATING TO CAMPAIGNS; AMENDING SECTION 34-701, IDAHO CODE, TO PROVIDE FOR CAMPAIGN CONTACT INFORMATION IN DECLARATIONS OF CANDIDACY; AMENDING SECTION 34-704, IDAHO CODE, TO REVISE PROVISIONS REGARDING DECLARATIONS OF CANDIDACY; AMENDING SECTION 34-1404, IDAHO CODE, TO PROVIDE FOR CAMPAIGN CONTACT INFORMATION AND PUBLIC ACCESS TO NOMINATING PETITIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-906, IDAHO CODE, TO REVISE PROVISIONS REGARDING PUBLIC DISCLOSURE OF CAMPAIGN CONTACT INFORMATION; AMENDING SECTION 74-106, IDAHO CODE, TO REVISE PROVISIONS REGARDING PUBLIC DISCLOSURE OF CAMPAIGN CONTACT INFORMATION 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 34-701, Idaho Code, be, and the same is hereby amended to read as follows:

34-701. DECLARATIONS OF CANDIDACY AND PETITIONS -- FORM PRESCRIBED BY SECRETARY OF STATE -- FILING FEES. (1) The secretary of state shall prescribe the form for all declarations of candidacy and petitions required to be filed for any office. This form shall be uniform throughout the state; provided, however, that a candidate for judicial office must designate the particular office that he seeks, both in his petitions and declaration of candidacy.



(2) Declarations of candidacy shall include campaign contact information, including phone numbers.

(3) All filing fees shall be paid in cash, cashier's check, postal money orders, or personal check.

SECTION 2. That Section 34-704, Idaho Code, be, and the same is hereby amended to read as follows:

34-704. DECLARATION OF CANDIDACY. (1) Any person legally qualified to hold such office is entitled to become a candidate and file his declaration of candidacy. Each political party candidate for precinct, state, district or county office shall file his declaration of candidacy in the proper office between 8:00 a.m. on the twelfth Monday preceding the primary election and 5:00 p.m. on the tenth Friday preceding the primary election. All political party candidates shall declare their party affiliation in their declaration of candidacy and shall be affiliated with a party at the time of filing. A candidate shall be deemed affiliated with the political party if the candidate submits a party affiliation form along with the declaration of candidacy to the filing official. The filing official shall reject any declaration of candidacy for partisan office in a primary election from candidates who are not affiliated with a political party. Candidates for nonpartisan office shall file during the period provided for in this section.

(2) Candidates who file a declaration of candidacy under a party name and are not nominated at the primary election shall not be allowed to appear on the general election ballot under any other political party name, nor as an independent candidate.

(3) Independent candidates shall file their declaration of candidacy in the manner provided in section 34-708, Idaho Code.

(4) All information in declarations of candidacy shall be made publicly available upon request.

SECTION 3. That Section 34-1404, Idaho Code, be, and the same is hereby amended to read as follows:

34-1404. DECLARATION OF CANDIDACY. (1) Candidates for election in any political subdivision shall be nominated by nominating petitions, each of which shall bear the name of the nominee, the office for which the nomination is made, the term for which nomination is made, bear the signature of not less than five (5) electors of the candidate's specific zone or district of the political subdivision, and be filed with the clerk of the political subdivision. The form of the nominating petition shall be as provided by the county clerk and shall be uniform for all political subdivisions. For an election to be held on the third Tuesday in May, in even-numbered years, the nomination petition shall be filed during the period specified in section 34-704, Idaho Code. The clerk of the political subdivision shall verify the qualifications of the nominees and shall, no more than seven (7) days after the close of filing, certify the nominees to be placed on the ballot of the political subdivision. For an election to be held on the first Tuesday after the first Monday of November, in even-numbered years, the nomination shall be filed on or before September 1. The clerk of the political subdivision shall verify the qualifications of the nominees and shall, ~~not later~~ no more than seven (7) days after the close of filing, certify the nominees to be placed on the ballot of the political subdivisions. For all other elections, the nomination shall be filed not later than 5:00 p.m. on the ninth Friday preceding the election for which the nomination is made. The clerk of the political subdivision shall verify the qualifications of the nominee and shall, ~~not~~ no more than seven (7) days following the filing, certify the nominees to be placed on the ballot of the political subdivision.

(2) Nominating petitions shall include campaign contact information for candidates, including phone numbers.

(3) All information in nominating petitions shall be made publicly available upon request.

SECTION 4. That Section 67-906, Idaho Code, be, and the same is hereby amended 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, except that campaign contact phone numbers for candidates or committees contained in declarations of candidacy shall be made publicly available upon request;

(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 5. 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, including bonuses, severance packages, other compensation or vouchered and unvouchered expenses for which reimbursement was paid, 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, social security number, driver's license 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;
- (f) Military records as described in and pursuant to section 65-301, Idaho Code;
- (g) Social security numbers; and
- (h) The following personal data identifiers for an individual may be disclosed only in the following redacted format:
  - (i) The initials of any minor children of the individual;
  - (ii) A date of birth in substantially the following format: "XX/XX/birth year";

(iii) The last four (4) digits of a financial account number in substantially the following format: "XXXXXX1234";

(iv) The last four (4) digits of a driver's license number or state-issued personal identification card number in substantially the following format: "XXXXXX350F"; and

(v) The last four (4) digits of an employer identification number or business's taxpayer identification number.

(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 that 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 that 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 authorizes the release pursuant to subsection (4) of section 54-4901, Idaho Code.

(23) Records and information contained in the time sensitive emergency 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 department of health and welfare 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, except campaign contact phone numbers for candidates or committees, which shall be publicly available upon request; and any notification ~~e-mail~~ email addresses submitted as part of a lobbyist's registration under section 67-6617, Idaho Code, of an employer, client, or designated contact for the purpose of electronic notification of that employer, client, or designated contact of a report filed under section 67-6619, Idaho Code.

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

Approved March 28, 2022

CHAPTER 306  
(H.B. No. 811)

AN ACT

RELATING TO PUBLIC RECORDS; AMENDING SECTION 74-101, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 74-102, IDAHO CODE, TO REMOVE UNNECESSARY VERBIAGE; AMENDING SECTION 74-103, IDAHO CODE, TO PROVIDE THAT PUBLIC RECORDS REQUESTS BE MADE TO CUSTODIANS OF PUBLIC RECORDS AND TO REMOVE UNNECESSARY VERBIAGE; AMENDING SECTION 74-106, IDAHO CODE, TO REMOVE UNNECESSARY VERBIAGE; AMENDING SECTION 74-107, IDAHO CODE, TO REMOVE UNNECESSARY VERBIAGE; AMENDING SECTION 74-112, IDAHO CODE, TO REMOVE UNNECESSARY VERBIAGE; AMENDING SECTION 74-113, IDAHO CODE, TO REMOVE UNNECESSARY VERBIAGE; AMENDING SECTION 74-114, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES; AMENDING SECTION 74-115, IDAHO CODE, TO REMOVE UNNECESSARY VERBIAGE; AMENDING SECTION 74-118, IDAHO CODE, TO REMOVE UNNECESSARY VERBIAGE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 74-119, IDAHO CODE, TO PROVIDE THAT INFORMATION ABOUT PUBLIC RECORDS CUSTODIANS BE NOTED ON AGENCY WEBSITES; AMENDING SECTION 74-120, IDAHO CODE, TO REMOVE UNNECESSARY VERBIAGE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 74-121, IDAHO CODE, TO REMOVE UNNECESSARY VERBIAGE; AMENDING CHAPTER 1, TITLE 74, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 74-126, IDAHO CODE, TO PROVIDE FOR PUBLIC RECORDS REQUESTS TO THE LEGISLATURE; AMENDING SECTION 74-126, IDAHO CODE, TO REDESIGNATE THE SECTION; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 74-101, Idaho Code, be, and the same is hereby amended to read as follows:

74-101. DEFINITIONS. As used in this chapter:

(1) "Applicant" means any person formally seeking a paid or volunteer position with a public agency. "Applicant" does not include any person seeking appointment to a position normally filled by election.

(2) "Copy" means transcribing by handwriting, photocopying, duplicating machine and reproducing by any other means ~~se~~ as long as the public record is not altered or damaged.

(3) "Custodian" means the person or persons having personal custody and control of the public records in question.

(4) "Independent public body corporate and politic" means the Idaho housing and finance association as created in chapter 62, title 67, Idaho Code.

(5) "Inspect" means the right to listen, view and make notes of public records as long as the public record is not altered or damaged.

(6) "Investigatory record" means information with respect to an identifiable person, group of persons or entities compiled by a public agency ~~or independent public body corporate and politic~~ pursuant to its statutory authority in the course of investigating a specific act, omission, failure to act, or other conduct over which the public agency ~~or independent public body corporate and politic~~ has regulatory authority or law enforcement authority.

(7) "Law enforcement agency" means any state or local agency given law enforcement powers or which has authority to investigate, enforce, prosecute or punish violations of state or federal criminal statutes, ordinances or regulations.



(8) "Local agency" means a county, city, school district, municipal corporation, independent public body corporate and politic, district, public health district, political subdivision, or any agency thereof, or any committee of a local agency, or any combination thereof.

(9) "Person" means any natural person, corporation, partnership, firm, association, joint venture, state or local agency or any other recognized legal entity.

(10) "Prisoner" means a person who has been convicted of a crime and is either incarcerated or on parole for that crime or who is being held in custody for trial or sentencing.

(11) "Public agency" means any state or local agency as defined in this section.

(12) "Public official" means any state, county, local district, independent public body corporate and politic or governmental official or employee, whether elected, appointed or hired.

(13) "Public record" includes, but is not limited to, any writing containing information relating to the conduct or administration of the public's business prepared, owned, used or retained by any state agency, independent public body corporate and politic or local agency regardless of physical form or characteristics. Provided, however, that personal notes created by a public official solely for his own use shall not be a public record as long as such personal notes are not shared with any other person or entity.

(14) "Requester" means the person requesting examination and/or copying of public records pursuant to section 74-102, Idaho Code.

(15) "State agency" means every state officer, department, division, bureau, commission and board or any committee of a state agency including those in the legislative or judicial branch, except the state militia and the Idaho state historical society library and archives.

(16) "Writing" includes, but is not limited to, handwriting, typewriting, printing, photostating, photographing and every means of recording, including letters, words, pictures, sounds or symbols or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums or other documents.

SECTION 2. That Section 74-102, Idaho Code, be, and the same is hereby amended to read as follows:

74-102. PUBLIC RECORDS -- RIGHT TO EXAMINE. (1) Every person has a right to examine and take a copy of any public record of this state and there is a presumption that all public records in Idaho are open at all reasonable times for inspection except as otherwise expressly provided by statute.

(2) The right to copy public records shall include the right to make photographs or photographic or other copies while the records are in the possession of the custodian of the records using equipment provided by the public agency ~~or independent public body corporate and politic~~ or using equipment designated by the custodian.

(3) Additionally, the custodian of any public record shall give the person, on demand, a certified copy of it if the record is of a nature permitting such copying or shall furnish reasonable opportunity to inspect or copy such record.

(4) A public agency ~~or independent public body corporate and politic~~ may require that a request for public records be submitted to it in a writing that specifically describes the subject matter and records sought, including a specific date range for when the records sought were created. The requesting party shall be as specific as possible when requesting records. A request shall describe records sought in sufficient detail to enable the public body to locate such records with reasonable effort. A request shall also provide the requester's name, mailing address, e-mail address and

telephone number. A request for public records and delivery of the public records may be made by electronic mail.

(5) The custodian shall make no inquiry of any person who requests a public record, except:

(a) To verify the identity of the requester in accordance with section 74-113, Idaho Code; or

(b) To ensure that the requested record or information will not be used for purposes of a mailing or telephone list prohibited by section 74-120, Idaho Code, or as otherwise provided by law; or

(c) As required for purposes of protecting personal information from disclosure under chapter 2, title 49, Idaho Code, and federal law.

(6) The custodian shall not review, examine or scrutinize any copy, photograph or memoranda in the possession of any such person and shall extend to the person all reasonable comfort and facility for the full exercise of the right granted under this act.

(7) Nothing herein contained shall prevent the custodian from maintaining such vigilance as is required to prevent alteration of any public record while it is being examined.

(8) Examination of public records under the authority of this section must be conducted during regular office or working hours unless the custodian shall authorize examination of records in other than regular office or working hours. In this event, the persons designated to represent the custodian during such examination shall be entitled to reasonable compensation to be paid to them by the public agency ~~or independent public body corporate and politic~~ having custody of such records, out of funds provided in advance by the person examining such records, at other than regular office or working hours.

(9) The public agency ~~or independent public body corporate and politic~~ may provide the requester information to help the requester narrow the scope of the request or to help the requester make the request more specific when the response to the request is likely to be voluminous or require payment as provided in subsection (10) of this section.

(10) (a) Except for fees that are authorized or prescribed under other provisions of Idaho law, no fee shall be charged for the first two (2) hours of labor in responding to a request for public records, or for copying the first one hundred (100) pages of paper records that are requested.

(b) A public agency ~~or independent public body corporate and politic~~ or public official may establish fees to recover the actual labor and copying costs associated with locating and copying documents if:

(i) The request is for more than one hundred (100) pages of paper records; or

(ii) The request includes records from which nonpublic information must be deleted; or

(iii) The actual labor associated with responding to requests for public records in compliance with the provisions of this chapter exceeds two (2) person hours.

(c) A public agency ~~or independent public body corporate and politic~~ or public official may establish a copying fee schedule. The fee may not exceed the actual cost to the agency of copying the record if another fee is not otherwise provided by law.

(d) For providing a duplicate of a computer tape, computer disc, microfilm or similar or analogous record system containing public record information, a public agency ~~or independent public body corporate and politic~~ or public official may charge a fee, uniform to all persons that does not exceed the sum of the following:

(i) The agency's direct cost of copying the information in that form;

(ii) The standard cost, if any, for selling the same information in the form of a publication;

(iii) The agency's cost of conversion, or the cost of conversion charged by a third party, if the existing electronic record is converted to another electronic form.

(e) Fees shall not exceed reasonable labor costs necessarily incurred in responding to a public records request. Fees, if charged, shall reflect the personnel and quantity of time that are reasonably necessary to process a request. Fees for labor costs shall be charged at the per hour pay rate of the lowest paid administrative staff employee or public official of the public agency ~~or independent public body corporate and politic~~ who is necessary and qualified to process the request. If a request requires redactions to be made by an attorney who is employed by the public agency ~~or independent public body corporate and politic~~, the rate charged shall be no more than the per hour rate of the lowest paid attorney within the public agency ~~or independent public body corporate and politic~~ who is necessary and qualified to process the public records request. If a request is submitted to a public agency ~~or independent public body corporate and politic~~ that does not have an attorney on staff, and requires redactions by an attorney, the rate shall be no more than the usual and customary rate of the attorney who is retained by the public agency ~~or independent public body corporate and politic~~ for that purpose.

(f) The public agency ~~or independent public body corporate and politic~~ shall not charge any cost or fee for copies or labor when the requester demonstrates that the requester's examination and/or copying of public records:

(i) Is likely to contribute significantly to the public's understanding of the operations or activities of the government;

(ii) Is not primarily in the individual interest of the requester including, but not limited to, the requester's interest in litigation in which the requester is or may become a party; and

(iii) Will not occur if fees are charged because the requester has insufficient financial resources to pay such fees.

(g) Statements of fees by a public agency ~~or independent public body corporate and politic~~ shall be itemized to show the per page costs for copies, and hourly rates of employees and attorneys involved in responding to the request, and the actual time spent on the public records request. No lump sum costs shall be assigned to any public records request.

(11) A requester may not file multiple requests for public records solely to avoid payment of fees. When a public agency ~~or independent public body corporate and politic~~ reasonably believes that one (1) or more requesters is segregating a request into a series of requests to avoid payment of fees authorized pursuant to this section, the public agency ~~or independent public body corporate and politic~~ may aggregate such requests and charge the appropriate fees. The public agency ~~or independent public body corporate and politic~~ may consider the time period in which the requests have been made in its determination to aggregate the related requests. A public agency ~~or independent public body corporate and politic~~ shall not aggregate multiple requests on unrelated subjects from one (1) requester.

(12) The custodian may require advance payment of fees authorized by this section. Any money received by the public agency ~~or independent public body corporate and politic~~ shall be credited to the account for which the expense being reimbursed was or will be charged, and such funds may be expended by the agency as part of its appropriation from that fund. Any portion of an advance payment in excess of the actual costs of labor and copying incurred by the agency in responding to the request shall be returned to the requester.

(13) A public agency ~~or independent public body corporate and politic~~ shall not prevent the examination or copying of a public record by contracting with a nongovernmental body to perform any of its duties or functions.

(14) Nothing contained herein shall prevent a public agency ~~or independent public body corporate and politic~~ from disclosing statistical information that is descriptive of an identifiable person or persons, unless prohibited by law.

(15) Nothing contained herein shall prevent a public agency ~~or independent public body corporate and politic~~ from providing a copy of a public record in electronic form if the record is available in electronic form and if the person specifically requests an electronic copy.

(16) A public agency, ~~or~~ elected official ~~or independent public body corporate and politic~~ shall designate a custodian or custodians for all public records, which includes any public official having custody of, control of, or authorized access to public records and also includes all delegates of such officials, employees or representatives.

SECTION 3. That Section 74-103, Idaho Code, be, and the same is hereby amended to read as follows:

74-103. REQUEST AND RESPONSE TO REQUEST FOR EXAMINATION OF PUBLIC RECORDS. (1) All requests to examine public records shall be made to the designated custodian of such records as defined in section 74-101(3), Idaho Code. A public agency, a public official, or an employee of a public agency shall have no obligation and shall not be deemed to have assumed any obligation to respond to a public records request that fails to comply with the requirements of this subsection. A public records request must clearly indicate that it is a public records request.

(2) A public agency ~~or independent public body corporate and politic~~ custodian shall either grant or deny a person's request to examine or copy public records within three (3) working days of the date of the receipt of the request for examination or copying. If it is determined by employees of the public agency ~~or independent public body corporate and politic~~ that a longer period of time is needed to locate or retrieve the public records, the public agency ~~or independent public body corporate and politic~~ shall so notify in writing the person requesting to examine or copy the records and shall provide the public records to the person no later than ten (10) working days following the person's request. Provided however, if it is determined the existing electronic record requested will first have to be converted to another electronic format by the agency or by a third party and that such conversion cannot be completed within ten (10) working days, the agency shall so notify in writing the person requesting to examine or copy the records. The agency shall provide the converted public record at a time mutually agreed upon between the agency and the requester, with due consideration given to any limitations that may exist due to the process of conversion or due to the use of a third party to make the conversion.

(23) If the public agency ~~or independent public body corporate and politic~~ custodian fails to respond, the request shall be deemed to be denied within ten (10) working days following the request.

(34) If the public agency ~~or independent public body corporate and politic~~ denies the person's request for examination or copying the public records or denies in part and grants in part the person's request for examination and copying of the public records, the person legally responsible for administering the public agency ~~or independent public body corporate and politic~~ or that person's designee shall notify the person in writing of the denial or partial denial of the request for the public record.

(45) The notice of denial or partial denial shall state that the attorney for the public agency ~~or independent public body corporate and politic~~ has reviewed the request or shall state that the public agency ~~or independent public body corporate and politic~~ has had an opportunity to consult with an attorney regarding the request for examination or copying of a record and has chosen not to do so. The notice of denial or partial denial also shall indicate the statutory authority for the denial and indicate clearly the person's right to appeal the denial or partial denial and the time periods for doing so.

SECTION 4. 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, including bonuses, severance packages, other compensation or vouchered and unvouchered expenses for which reimbursement was paid, 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, social security number, driver's license 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;
- (f) Military records as described in and pursuant to section 65-301, Idaho Code;
- (g) Social security numbers; and
- (h) The following personal data identifiers for an individual may be disclosed only in the following redacted format:
  - (i) The initials of any minor children of the individual;
  - (ii) A date of birth in substantially the following format: "XX/XX/birth year";
  - (iii) The last four (4) digits of a financial account number in substantially the following format: "XXXXX1234";
  - (iv) The last four (4) digits of a driver's license number or state-issued personal identification card number in substantially the following format: "XXXXX350F"; and
  - (v) The last four (4) digits of an employer identification number or business's taxpayer identification number.
- (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 that 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 that 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 authorizes the release pursuant to subsection (4) of section 54-4901, Idaho Code.

(23) Records and information contained in the time sensitive emergency 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 department of health and welfare 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, and any notification e-mail addresses submitted as part of a lobbyist's registration under section 67-6617, Idaho Code, of an employer, client, or designated contact for the purpose of electronic notification of that employer, client, or designated contact of a report filed under section 67-6619, Idaho Code.

SECTION 5. 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, TAX COMMISSION, UNCLAIMED PROPERTY, PETROLEUM CLEAN WATER TRUST FUND. 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 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 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 by insurance companies pursuant to section 41-612(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.

(31) Reports, information and other materials exempted by chapter 63, title 41, Idaho Code.

(32) Records that identify the method by which the Idaho state tax commission selects tax returns for audit review.

(33) Records that identify the method by which the administrator of the unclaimed property law set forth in chapter 5, title 14, Idaho Code, selects reports for audit review or conducts audit review of such reports and the identity of individuals or entities under audit.

(34) Underwriting and claims records of the Idaho petroleum clean water trust fund obtained pursuant to section 41-4905, 41-4909, 41-4911A, 41-4912, or 41-4912A, Idaho Code. Provided, however, that this subsection shall not prevent the Idaho petroleum clean water trust fund's submittal to the Idaho department of environmental quality or other regulatory agencies of information necessary to satisfy an insured's corrective action requirement under applicable federal or state standards in the event of a release into the environment from a petroleum storage tank; and provided further that nothing in this subsection shall prevent the Idaho petroleum clean water trust fund from providing auditing, reporting, or actuarial information as otherwise required of it pursuant to section 41-4919, 41-4925A, 41-4928, 41-4930, 41-4932, 41-4937, or 41-4938, Idaho Code.

SECTION 6. That Section 74-112, Idaho Code, be, and the same is hereby amended to read as follows:

74-112. EXEMPT AND NONEXEMPT PUBLIC RECORDS TO BE SEPARATED. If any public record contains material which is not exempt from disclosure as well as material which is exempt from disclosure, the public agency ~~or independent public body corporate and politic~~ shall, upon receipt of a request for disclosure, separate the exempt and nonexempt material and make the nonexempt material available for examination, provided that a denial of a request to copy nonexempt material in a public record shall not be based upon the fact that such nonexempt material is contained in the same public record as the exempt material.

SECTION 7. That Section 74-113, Idaho Code, be, and the same is hereby amended to read as follows:

74-113. ACCESS TO RECORDS ABOUT A PERSON BY A PERSON. (1) A person may inspect and copy the records of a public agency ~~or independent public body corporate and politic~~ pertaining to that person, even if the record is otherwise exempt from public disclosure.

(2) A person may request in writing an amendment of any record pertaining to that person. Within ten (10) days of the receipt of the request, the public agency ~~or independent public body corporate and politic~~ shall either:

(a) Make any correction of any portion of the record which the person establishes is not accurate, relevant, or complete; or

(b) Inform the person in writing of the refusal to amend in accordance with the request and the reasons for the refusal, and indicate clearly the person's right to appeal the refusal and the time period for doing so. The procedures for appealing a refusal to amend shall be the same as those set forth in sections 74-115 and 74-116, Idaho Code, and the court may award reasonable costs and attorney's fees to the prevailing party or parties, if it finds that the request for amendment or refusal to amend was frivolously pursued.

(3) The right to inspect and amend records pertaining to oneself does not include the right to review:

(a) Otherwise exempt investigatory records of a public agency ~~or independent public body corporate and politic~~ if the investigation is ongoing;

(b) Information that is compiled in reasonable anticipation of a civil action or proceeding which is not otherwise discoverable;

(c) The information relates to adoption records;

(d) Information which is otherwise exempt from disclosure by statute or court rule;

(e) Records of a prisoner maintained by the state or local agency having custody of the prisoner or formerly having custody of the prisoner or by the commission of pardons and parole.

SECTION 8. That Section 74-114, Idaho Code, be, and the same is hereby amended to read as follows:

74-114. ACCESS TO AIR QUALITY, WATER QUALITY AND HAZARDOUS WASTE RECORDS -- PROTECTION OF TRADE SECRETS. (1) To the extent required by the federal clean air act, the federal clean water act and the resource conservation and recovery act for state primacy over any delegated or authorized programs, even if the record is otherwise exempt from disclosure under this chapter, any person may inspect and copy:

(a) Air pollution emission data;

(b) The content of any title V operating permit;

(c) The name and address of any Idaho pollutant discharge elimination system (IPDES) applicant or permittee;

(d) The content of any IPDES permit;

(e) IPDES permit applications, and information required to be submitted by IPDES application forms, whether the information is submitted on the application forms themselves or in any attachments used to supply information required by the application forms;

(f) Effluent data or a standard or limitation, as defined in 40 CFR 2.302;

(g) The name and address of any applicant or permittee for a hazardous waste treatment, storage, or disposal facility permit pursuant to chapter 44, title 39, Idaho Code; and

(h) Any other record required to be provided to or obtained by the department of environmental quality pursuant to the federal clean air act, the federal clean water act and the resource conservation and recovery act, and the implementing state statutes, federal regulations and state rules, unless the record is a trade secret.

(2) For purposes of this section, a record, or a portion of the record, is a "trade secret" if the information contained in the record is a trade secret within the meaning of the Idaho trade secrets act, sections 48-801, et seq., Idaho Code, including commercial or financial information which, if disclosed, could cause substantial competitive harm to the person from whom the record was obtained.

(3) Any record, or portion of a record, provided to or obtained by the department of environmental quality and identified by the person providing the record as a trade secret shall not be disclosed to the public and shall be kept confidential according to the procedures established in this section.

(4) Nothing in this section shall be construed as limiting the disclosure of a trade secret by the department of environmental quality:

(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) As determined necessary by the director of the department of environmental quality (under a continuing confidentiality claim) to protect the public health and safety from imminent and substantial endangerment;

(c) As required by state or federal law, including section 74-115(3), Idaho Code, under a continuing claim of confidentiality and subsection (1) of this section; or

(d) With the consent of the person from whom the record is obtained.

(5) It shall be the responsibility of any person providing a record to the department of environmental quality to give notice of the existence of a trade secret on each page or other portion of information at the time of submittal, and such person shall have the burden of demonstrating that the information is a trade secret.

(6) Notwithstanding the time frames set forth in section 74-103(12), Idaho Code, when a request is made to the department of environmental quality pursuant to the provisions of this chapter for the disclosure of information for which a trade secret claim has been made, and the information has not been demonstrated to be a trade secret to the satisfaction of the director of the department of environmental quality, within three (3) working days of receipt of the request for the disclosure of the information, the department of environmental quality shall provide a written request for substantiation to the person making the confidentiality claim. A response shall be submitted to the department of environmental quality by the person claiming the trade secret protection within ten (10) working days after receipt of the request for substantiation, or the information subject to the claim shall be disclosed without further notice. Upon receipt of a timely response to the request for substantiation, the director of the department of environmental quality shall determine whether the information is a trade secret subject to protection.

(a) If it is determined that the information, or any portion of the information, is a trade secret, within three (3) working days after receipt of the response, the director of the department of environmental quality shall notify the person requesting the information that the request is denied pursuant to subsections (34) and (45) of section 74-103, Idaho Code.

(b) If it is determined that the information, or any portion of the information, is not a trade secret and is, therefore, subject to disclosure, within three (3) working days after receipt of the response, the director of the department of environmental quality shall inform the person making the confidentiality claim of the determination. The decision shall be a final agency action directly appealable, de novo, to the district court of the county where the records or some part thereof are located. An appeal contesting the decision of the director of the department of environmental quality to release information claimed to be a trade secret shall be filed within ten (10) working days from the date of receipt of the written notice of decision. The information claimed to be a trade secret shall not be disclosed until the period for appeal has expired with no appeal being taken, or a court order has been issued finding that the information is not a trade secret and all appeals of that order have been exhausted.

(7) In any appeal taken pursuant to this section, the court may award reasonable costs and attorney's fees to the prevailing party if it finds the claim of confidentiality or the decision of the director of the department of environmental quality to provide records was frivolously pursued.

(8) The department of environmental quality shall adopt rules which include:

(a) Appropriate measures to safeguard and protect against improper disclosure of trade secrets, including procedures to train all employees on the proper handling of trade secrets; and

(b) Any other provisions necessary to carry out this section.

(9) As it relates to the department of environmental quality, or to agents, contractors, or other representatives of the department, the immunity created in section 74-118, Idaho Code, shall apply only when disclosure of a trade secret is made consistent with this section.

SECTION 9. That Section 74-115, Idaho Code, be, and the same is hereby amended to read as follows:



74-115. PROCEEDINGS TO ENFORCE RIGHT TO EXAMINE OR TO RECEIVE A COPY OF RECORDS -- RETENTION OF DISPUTED RECORDS. (1) The sole remedy for a person aggrieved by the denial of a request for disclosure is to institute proceedings in the district court of the county where the records or some part thereof are located, to compel the public agency ~~or independent public body corporate and politic~~ to make the information available for public inspection in accordance with the provisions of this chapter. The petition contesting the public agency's ~~or independent public body corporate and politic's~~ decision shall be filed within one hundred eighty (180) calendar days from the date of mailing of the notice of denial or partial denial by the public agency ~~or independent public body corporate and politic~~. In cases in which the records requested are claimed as exempt pursuant to section 74-107(1) or (24), Idaho Code, the petitioner shall be required to name as a party and serve the person or entity that filed or provided such documents to the agency, and such person or entity shall have standing to oppose the request for disclosure and to support the decision of the agency to deny the request. The time for responsive pleadings and for hearings in such proceedings shall be set by the court at the earliest possible time, or in no event beyond twenty-eight (28) calendar days from the date of filing.

(2) The public agency ~~or independent public body corporate and politic~~ shall keep all documents or records in question until the end of the appeal period, until a decision has been rendered on the petition, or as otherwise statutorily provided, whichever is longer.

(3) Nothing contained in this chapter shall limit the availability of documents and records for discovery in the normal course of judicial or administrative adjudicatory proceedings, subject to the law and rules of evidence and of discovery governing such proceedings. Additionally, in any criminal appeal or post-conviction civil action, this chapter shall not make available the contents of prosecution case files where such material has previously been provided to the defendant nor shall this chapter be available to supplement, augment, substitute or supplant discovery procedures in any other federal, civil or administrative proceeding.

SECTION 10. That Section 74-118, Idaho Code, be, and the same is hereby amended to read as follows:

74-118. IMMUNITY. No public agency ~~or independent public body corporate and politic~~, public official, or custodian shall be liable, nor shall a cause of action exist, for any loss or damage based upon the release of a public record governed by the provisions of this chapter if the public agency ~~or independent public body corporate and politic~~, public official, or custodian acted in good faith in attempting to comply with the provisions of this chapter.

SECTION 11. That Section 74-119, Idaho Code, be, and the same is hereby amended to read as follows:

74-119. AGENCY GUIDELINES. By January 1, 2019, every state agency ~~or independent public body corporate and politic~~ shall adopt guidelines that identify the general subject matter of all public records kept or maintained by the state agency ~~or independent public body corporate and politic~~, the custodian or custodians, and the physical location of such documents. Public agencies shall designate at least one (1) person as custodian to receive public records requests and shall provide an alternate custodian or alternate custodians for contingencies. If a public agency has a website, the agency shall note the name and contact information of its custodian of records on its website and shall promptly update such information when it changes.

SECTION 12. That Section 74-120, Idaho Code, be, and the same is hereby amended to read as follows:

74-120. PROHIBITION ON DISTRIBUTION OR SALE OF MAILING OR TELEPHONE NUMBER LISTS -- PENALTY. (1) Except as provided in subsections (2), (3), (4), (5), (6), (7), (8) and (9) of this section, in order to protect the privacy of those who deal with public agencies ~~or an independent public body corporate and politic~~:

(a) No agency ~~or independent public body corporate and politic~~ may distribute or sell for use as a mailing list or a telephone number list any list of persons without first securing the permission of those on the list; and

(b) No list of persons prepared by the agency ~~or independent public body corporate and politic~~ may be used as a mailing list or a telephone number list except by the agency ~~or independent public body corporate and politic~~ or another agency without first securing the permission of those on the list.

(2) Except as may be otherwise provided in this chapter, this section does not prevent an individual from compiling a mailing list or a telephone number list by examination or copying of public records, original documents or applications which are otherwise open to public inspection.

(3) The provisions of this section do not apply to the lists of registered electors compiled pursuant to title 34, Idaho Code, or to lists of the names of employees governed by chapter 53, title 67, Idaho Code.

(4) The provisions of this section shall not apply to agencies which issue occupational or professional licenses.

(5) This section does not apply to the right of access either by Idaho law enforcement agencies or, by purchase or otherwise, of public records dealing with motor vehicle registration.

(6) This section does not apply to a corporate information list developed by the office of the secretary of state containing the name, address, registered agent, officers and directors of corporations authorized to do business in this state or to a business information list developed by the department of commerce containing the name, address, telephone number or other relevant information of Idaho businesses or individuals requesting information regarding the state of Idaho or to business lists developed by the department of agriculture, ~~market development division of marketing and development~~, used to promote food and agricultural products produced in Idaho.

(7) This section does not apply to lists to be used for ordinary utility purposes which are requested by a person who supplies utility services in this state. Ordinary utility purposes, as used in this chapter only, do not include marketing or marketing research.

(8) This section does not apply to lists to be used to give notice required by any statute, ordinance, rule, law or by any governing agency.

(9) This section does not apply to student directory information provided by colleges, universities, secondary schools and school districts to military recruiters for military recruiting purposes pursuant to the requirements of federal laws.

(10) 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.

(11) If a court finds that a person or public official has deliberately and in bad faith violated the provisions of subsection (1)(a) or (1)(b) of this section, the person or public official shall be liable for a civil penalty assessed by the court in an amount not in excess of one thousand dollars (\$1,000) which shall be paid into the general ~~account~~ fund.

SECTION 13. That Section 74-121, Idaho Code, be, and the same is hereby amended to read as follows:

74-121. REPLEVIN -- PUBLIC RECORDS -- IMPROPER OR UNLAWFUL TRANSFER OR REMOVAL. (1) Public records of the state and/or territory of Idaho are the property of the citizens of the state in perpetuity and they may not be improperly or unlawfully transferred or removed from their proper custodian. For purposes of this section, the terms "public record" and "record," or plurals thereof, shall have the same meaning as "public record" as provided in section 74-101, Idaho Code.

(2) For the purpose of this section, where public records of a county, ~~or local district, or independent public body corporate and politic~~ thereof are involved, all references to the state archivist also refer to any responsible public official or records custodian and all references to the attorney general also refer to county prosecutors.

(3) Whenever the state archivist or their designee has reasonable grounds to believe that records belonging to the state, county, ~~or local district, or independent public body corporate and politic~~ thereof, are in the possession of a person or entity not authorized by law to possess those records, and such possession was acquired on or after July 1, 2011, he or she may issue a written notice demanding that person or entity to do either of the following within ten (10) calendar days of receiving the notice:

(a) Return the records to the office of origin or the Idaho state archives; or

(b) Respond in writing and declare why the records do not belong to the state or a local agency.

(4) The notice and demand shall identify the records claimed to belong to the state or local agency with reasonable specificity, and shall specify that the state archivist may undertake legal action to recover the records if the person or entity fails to respond in writing within the required time or does not adequately demonstrate that the records do not belong to the state or a local agency.

(5) If a person or entity that receives a written notice and demand from the state archivist pursuant to this chapter fails to deliver the described records, fails to respond to the notice and demand within the required time, or does not adequately demonstrate that the records do not belong to the state or a local agency, the state archivist may ask the attorney general to petition a court of competent jurisdiction for an order requiring the return of the records.

(6) The court may issue any order necessary to protect the records from destruction, alteration, transfer, conveyance or alienation by the person or entity in possession of the records, and may order that the records be surrendered into the custody of the state archivist pending the court's decision on the petition.

(7) After a hearing, and upon a finding that the specified records are in the possession of a person or entity not authorized by law to possess the records, the court shall order the records to be delivered to the state archivist or other official designated by the court.

(8) If the attorney general recovers a record under this section, the court may award attorney's fees and court costs.

(9) Notwithstanding any other provision of this section, any public record that is in the custody of an organization or institution shall not be subject to the provisions of this section provided:

(a) That professional standards recognized by the society of American archivists for the management and preservation of historical records are maintained; and

(b) Such records are accessible to the public in a manner consistent with this chapter.

(10) When a record is returned pursuant to subsection (3)(a) of this section, upon the request of the person, organization or institution that returned the record, the record custodian that receives the record shall issue to that person, organization or institution a copy or digital image of the record which shall be certified as a true copy of the record that was returned to the state or local agency, and dated on the same day the record was returned.

SECTION 14. That Chapter 1, Title 74, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 74-126, Idaho Code, and to read as follows:

74-126. PUBLIC RECORDS REQUESTS -- LEGISLATURE. (1) A public records request for the legislature shall be made to the speaker of the house of representatives and the president pro tempore of the senate. A copy of such request shall be contemporaneously submitted to the legislative services office.

(2) A public records request for the house of representatives shall be made to the speaker of the house of representatives, and a copy of such request shall be contemporaneously submitted to the legislative services office. A public records request for the senate shall be made to the president pro tempore of the senate, and a copy of such request shall be contemporaneously submitted to the legislative services office.

(3) A public records request for an individual legislator shall be made to such individual legislator, and a copy of such request shall be contemporaneously submitted to the legislative services office.

(4) For purposes of this section, "contemporaneously" means that a copy of a request for public records shall be submitted to the legislative services office on the same business day as the request is made.

(5) The legislature, either house of the legislature, or an individual legislator shall not be obligated to respond to a public records request that does not comply with the requirements of this section.

SECTION 15. That Section 74-126, Idaho Code, be, and the same is hereby amended to read as follows:

74-1267. 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 remaining portions of this act.

SECTION 16. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 28, 2022

CHAPTER 307  
(S.B. No. 1259)

AN ACT

RELATING TO PROPERTY TAX REDUCTION; AMENDING SECTION 63-701, IDAHO CODE, TO REVISE A DEFINITION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 63-701, 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 1 or before April 15 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, a claimant must have lawful presence in the United States pursuant to section 67-7903, Idaho Code, 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 26 U.S.C. 402 or 403, 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 and 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. 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. For purposes of this chapter only and in the case of a claimant who owns and whose homestead is a certified family home as defined in section 39-3502, Idaho Code, "income" does not include payments that the claimant received as an enrolled medicaid provider from the medical assistance program. "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 as 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 (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(16), 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 January 1, 2023.

Approved March 28, 2022



CHAPTER 308  
(S.B. No. 1428)

AN ACT

RELATING TO APPROPRIATIONS; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE IDAHO INDIVIDUAL HIGH RISK REINSURANCE POOL FUND FOR FISCAL YEAR 2022; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE PUBLIC EDUCATION STABILIZATION FUND FOR FISCAL YEAR 2022; APPROPRIATING AND TRANSFERRING MONEYS FROM THE ARPA STATE FISCAL RECOVERY FUND TO THE IDAHO WORKFORCE HOUSING FUND FOR FISCAL YEAR 2022; APPROPRIATING ADDITIONAL MONEYS TO THE OFFICE OF THE STATE TREASURER FOR FISCAL YEAR 2022; PROVIDING REAPPROPRIATION AUTHORITY; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE PUBLIC EDUCATION STABILIZATION FUND FOR FISCAL YEAR 2023; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE BUDGET STABILIZATION FUND FOR FISCAL YEAR 2023; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE TWENTY-SEVENTH PAYROLL FUND FOR FISCAL YEAR 2023; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE STATE-DIRECTED OPIOID SETTLEMENT FUND FOR FISCAL YEAR 2023; REPEALING SECTION 8, CHAPTER 328, LAWS OF 2019, TO REMOVE A SUNSET DATE; AND DECLARING AN EMERGENCY.

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

SECTION 1. FISCAL YEAR 2022 CASH TRANSFER TO THE IDAHO INDIVIDUAL HIGH RISK REINSURANCE POOL FUND. There is hereby appropriated and the Office of the State Controller shall transfer \$25,000,000 from the General Fund to the Idaho Individual High Risk Reinsurance Pool Fund as soon as practicable for the period July 1, 2021, through June 30, 2022.

SECTION 2. FISCAL YEAR 2022 CASH TRANSFER TO THE PUBLIC EDUCATION STABILIZATION FUND. There is hereby appropriated and the Office of the State Controller shall transfer \$44,000,000 from the General Fund to the Public Education Stabilization Fund as soon as practicable for the period July 1, 2021, through June 30, 2022.

SECTION 3. FISCAL YEAR 2022 CASH TRANSFER TO THE IDAHO WORKFORCE HOUSING FUND. There is hereby appropriated and the Office of the State Controller shall transfer \$50,000,000 from the ARPA State Fiscal Recovery Fund to the Idaho Workforce Housing Fund as soon as practicable for the period July 1, 2021, through June 30, 2022.

SECTION 4. In addition to the appropriation made in Section 1, Chapter 253, Laws of 2021, and any other appropriation provided by law, there is hereby appropriated to the Office of the State Treasurer \$50,000,000 from the Idaho Workforce Housing Fund to be expended for trustee and benefit payments for the period July 1, 2021, through June 30, 2022.

SECTION 5. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Office of the State Treasurer any unexpended and unencumbered balances appropriated to the Office of the State Treasurer from the Idaho Workforce Housing Fund for the purpose of providing gap financing for workforce housing developments for fiscal year 2022 in an amount not to exceed \$50,000,000 from the Idaho Workforce Housing Fund to be used for nonrecurring expenditures related to workforce housing for the period July 1, 2022, through June 30, 2023. The Office of the State Controller shall confirm the reappropriation amount with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 6. FISCAL YEAR 2023 CASH TRANSFER TO THE PUBLIC EDUCATION STABILIZATION FUND. There is hereby appropriated and the Office of the State Controller shall transfer \$77,000,000 from the General Fund to the Public Education Stabilization Fund on July 1, 2022, or as soon thereafter as practicable for the period July 1, 2022, through June 30, 2023.

SECTION 7. FISCAL YEAR 2023 CASH TRANSFER TO THE BUDGET STABILIZATION FUND. There is hereby appropriated and the Office of the State Controller shall transfer \$120,000,000 from the General Fund to the Budget Stabilization Fund on July 1, 2022, or as soon thereafter as practicable for the period July 1, 2022, through June 30, 2023.

SECTION 8. FISCAL YEAR 2023 CASH TRANSFER TO THE TWENTY-SEVENTH PAYROLL FUND. There is hereby appropriated and the Office of the State Controller shall transfer \$20,000,000 from the General Fund to the Twenty-Seventh Payroll Fund on July 1, 2022, or as soon thereafter as practicable for the period July 1, 2022, through June 30, 2023.

SECTION 9. FISCAL YEAR 2023 CASH TRANSFER TO THE STATE-DIRECTED OPIOID SETTLEMENT FUND. There is hereby appropriated and the Office of the State Controller shall transfer \$2,399,500 from the General Fund to the State-Directed Opioid Settlement Fund on July 1, 2022, or as soon thereafter as practicable for the period July 1, 2022, through June 30, 2023.

SECTION 10. That Section 8, Chapter 328, Laws of 2019, be, and the same is hereby repealed.

SECTION 11. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 28, 2022

#### CHAPTER 309

(H.B. No. 728, As Amended in the Senate)

#### AN ACT

RELATING TO PERSI; PROVIDING LEGISLATIVE INTENT; AMENDING CHAPTER 13, TITLE 59, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 59-1399A, IDAHO CODE, TO PROVIDE FOR THE DIVESTMENT OF CERTAIN ASSETS RELATED TO RUSSIA; PROVIDING A SUNSET DATE; AND DECLARING AN EMERGENCY.

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

SECTION 1. LEGISLATIVE INTENT. It is the belief of the Legislature that, because of the actions of the Russian government in its unprovoked attack on the country of Ukraine, investments in Russian currency, assets of the Russian government, and other investments with companies domiciled in Russia, companies that use Russian materials in the production of products, or any company that markets or promotes Russian products of any kind are at significant risk of substantial loss and are not in the best interests of the members of the Public Employee Retirement System of Idaho or the State of Idaho.

SECTION 2. That Chapter 13, Title 59, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 59-1399A, Idaho Code, and to read as follows:

59-1399A. DIVESTMENT OF CERTAIN ASSETS RELATED TO RUSSIA. The board shall make a good faith effort to immediately sell, trade, or otherwise completely divest itself of any asset of Russian currency. Nothing in this section shall require the board to take action as described in this section unless the board determines in good faith that the action described in this section is consistent with the fiduciary responsibilities of the board described in this chapter.

SECTION 3. The provisions of this act shall be null, void, and of no force and effect on and after March 1, 2023.

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 29, 2022

CHAPTER 310  
(H.B. No. 673)

AN ACT

RELATING TO THE NEW CONSTRUCTION ROLL; AMENDING SECTION 63-301A, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE NEW CONSTRUCTION ROLL; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 63-301A, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

- ~~(iv)~~ Any reduction in value resulting from the exemption provided in section 63-602W(4), Idaho Code, in any one (1) of the immediate five (5) tax years preceding the current tax year; and
- (iv) Any voluntary reduction in value reflecting a portion of certain homestead exemptions as provided in section 63-602G(9), Idaho Code.

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

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

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

(ih) Formerly exempt improvements on state college-owned or state university-owned land for student dining, housing, or other education-related purposes approved by the state board of education and board of regents of the university of Idaho as proper for the operation of such state college or university, provided however, such improvements were never included on any previous new construction roll;

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

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

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

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

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

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after January 1, 2023.

Approved March 29, 2022

CHAPTER 311  
(H.B. No. 715)

AN ACT

RELATING TO INCOME TAX CREDITS AND REFUNDS; AMENDING SECTION 63-3072, IDAHO CODE, TO REVISE PROVISIONS REGARDING CERTAIN CLAIMS FOR INCOME TAX CREDITS AND REFUNDS; AND DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

SECTION 1. That Section 63-3072, Idaho Code, be, and the same is hereby amended to read as follows:

63-3072. CREDITS AND REFUNDS. (a) Subject to the provisions of subsections (b), (c) and (h) of this section, where there has been an overpayment of the tax imposed by the provisions of this chapter, the amount of such overpayment shall be credited against any tax administered by the state tax commission which tax is then due from the taxpayer, and any balance of such excess shall be refunded to the taxpayer.

(b) Except in regard to amounts withheld as provided in section 63-3035, 63-3035A or 63-3036, Idaho Code, or amounts paid as estimated payments under section 63-3036A, Idaho Code, or amounts paid as backup withholding under section 63-3036B, Idaho Code, a claim for ~~credit or~~ refund of tax, penalties, or interest paid shall be made within the later of three (3) years of the due date of the return, without regard to extensions, or three (3) years from the date the return was filed, and a claim for credit of tax, penalties, or interest paid shall be made within the later of ten (10) years of the due date of the return, without regard to extensions, or ten (10) years from the date the return was filed. However, with regard to remittances received with an extension of time to file, or a tentative return, a claim for credit or refund of such remittances shall be made within three (3) years from the due date of the return without regard to extensions.

(c) With regard to amounts withheld as provided in section 63-3035, 63-3035A or 63-3036, Idaho Code, or amounts paid as estimated payments under section 63-3036A, Idaho Code, or amounts paid as backup withholding under section 63-3036B, Idaho Code, a claim for ~~credit or~~ refund shall be made within three (3) years from the due date of the return, without regard to extensions, for the taxable year in respect to which the tax was withheld or paid, and a claim for credit shall be made within ten (10) years from the due date of the return, without regard to extensions, for the taxable year with respect to which the tax was withheld or paid. However, with regard to an individual who is entitled to an extension of time as provided in section 7508 of the Internal Revenue Code, the three (3) year period provided in this subsection for claiming a credit or refund shall be extended by the number of days disregarded under section 7508 of the Internal Revenue Code.

(d) Notwithstanding any other provisions of this section, when Idaho taxable income and/or tax credits for any taxable year have been adjusted as a result of a final federal determination, the period of limitations for claiming a refund or credit of tax, penalties, or interest shall be reopened and shall not expire until the later of one (1) year from the date of delivery of the final federal determination to the taxpayer by the internal revenue service, three (3) years from the due date of the return, without regard to extensions, or three (3) years from the date the return was filed. For purposes of this subsection, the term "final federal determination" shall mean the final resolution of all issues which were adjusted by the internal revenue service. When the final federal determination is submitted, the taxpayer shall also submit copies of all schedules and written explanations

provided by the internal revenue service. Upon the expiration of the period of limitations as provided in subsections (b) and (h) of this section, only those specific items of income, deductions, gains, losses or credits which were adjusted in the final federal determination shall be subject to adjustment for purposes of recomputing Idaho income, deductions, gains, losses, credits, and the effect of such adjustments on Idaho allocations and apportionments.

(e) If a claim for credit or refund relates to an overpayment attributable to a net operating loss carryback incurred in a taxable year commencing in 2012 or earlier, or a capital loss carryback, in lieu of the period of limitations prescribed in subsection (b) of this section, the period shall be that period which ends with the expiration of the fifteenth day of the fortieth month following the end of the taxable year of the net operating loss or capital loss which results in such carryback. Claims for net operating losses carried back from taxable years commencing after 2012 shall be made pursuant to section 63-3022, Idaho Code.

(f) If an adjustment, which was made within the period of limitations as provided in this section, affects the amount of tax credit, net operating loss, or capital loss, claimed in a taxable year other than the tax year in which the adjustment is made, then adjustments to the credit, net operating loss, or capital loss, claimed in such other tax year may be made and a claim for credit or refund of tax, penalties or interest may be made even though such claim would otherwise be barred under the provisions of this section.

(g) In the case of a duplicate return filed under section 63-217(1)(b), Idaho Code, the limitations under this section shall be the later of one (1) year from the filing of the duplicate return or the date otherwise applicable under this section.

(h) Prior to the expiration of the time prescribed in this section for credit or refund of any tax imposed by the provisions of this chapter, both the state tax commission or its delegate or deputy and the taxpayer may consent in writing to extend such period of time. The period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon. When a pass-through entity extends the period of limitations in accordance with the provisions of this subsection the period of limitations for the other taxpayers is automatically extended for the same period for the purpose of claiming a credit or refund of tax, penalties or interest by the other taxpayers reflecting the pass-through entity adjustments.

(i) The expiration of the period of limitations as provided in this section shall be suspended for the time period between the issuance by the state tax commission of a notice under either section 63-3045 or 63-3065, Idaho Code, and the final resolution of any proceeding resulting from the notice.

(j) Appeal of a state tax commission decision denying in whole or in part a claim for credit or refund shall be made in accordance with and within the time limits prescribed in section 63-3049, Idaho Code.

(k) For purposes of this section, "return" includes a notice of deficiency determination issued by the state tax commission when no return was filed by the taxpayer. Such a return is deemed filed on the date the taxes determined by the state tax commission are assessed.

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, 2022.

CHAPTER 312  
(H.B. No. 677)

AN ACT

RELATING TO THE TAXPAYERS' BILL OF RIGHTS; PROVIDING LEGISLATIVE INTENT; AMENDING CHAPTER 40, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-4015, IDAHO CODE, TO PROHIBIT THE ENFORCEMENT OF CERTAIN TAXATION OF IDAHO BUSINESSES BY OUT-OF-STATE TAXING ENTITIES; AND DECLARING AN EMERGENCY.

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

SECTION 1. LEGISLATIVE INTENT. (1) It is the intent of the Legislature to protect the citizens of Idaho from the overreach of out-of-state taxing entities. The Oregon Legislative Assembly enacted a corporate activity tax, effective January 1, 2020, and the Oregon Department of Revenue has taken the position that the tax can be imposed on an Idaho business selling an item within the boundaries of the State of Idaho if the purchaser is an Oregon resident physically present in Idaho during the sale. Several other states have passed or contemplated passing similar taxes on businesses not located within their borders.

(2) Clause 3, Section 8, Article I of the United States Constitution provides that Congress shall have the power to "regulate commerce with foreign nations, and among the several states, and with the Indian tribes," which is commonly known as the Commerce Clause. The Commerce Clause acts to limit state interference with the national economy and interstate commerce.

(3) The United States Supreme Court has held that a state attempting to impose a sales tax on an out-of-state seller must meet four requirements; namely, that the tax: 1) is applied to an activity with a substantial nexus with the taxing state; 2) is fairly apportioned; 3) does not discriminate against interstate commerce; and 4) is fairly related to the services provided by the taxing state. In the case of *south dakota v. wayfair*, 138 S. Ct. (2018), the U.S. Supreme Court held that a seller's physical presence in the taxing state is not essential to establishing a substantial nexus between an out-of-state seller and a state attempting to impose a sales tax on such a seller. In upholding the South Dakota law, the Court cautioned that this ruling applied only as to the substantial nexus requirement, which was the only issue before the Court, and left open the question of whether one of the other Commerce Clause requirements might invalidate the law of a state attempting to tax an out-of-state seller.

(4) The Oregon Department of Revenue's extension of its corporate activity tax upon a seller in Idaho based on a sale that took place in Idaho to an Oregon resident in Idaho is an unwarranted and unsupported extension of the holding in *south dakota v. wayfair*, violates the requirements of the Commerce Clause and the Due Process Clause of the United States Constitution, and is not acceptable to the sovereign State of Idaho.

SECTION 2. That Chapter 40, 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 63-4015, Idaho Code, and to read as follows:



63-4015. UNCONSTITUTIONAL TAXATION BY OUT-OF-STATE TAXING ENTITIES. (1) No out-of-state taxing entity may tax an Idaho business for conducting sales or other business taking place within the state of Idaho between an Idaho business and a nonresident who is physically present within the state of Idaho while engaging in the business transaction. Notwithstanding any provision of chapter 13, title 10, Idaho Code, to the contrary, any attempt to tax an Idaho business in contravention of this section violates the United States constitution, is null and void, and shall not be enforced in the state of Idaho.

(2) For the purpose of this section, an "out-of-state taxing entity" means another state or territory of the United States, or any governmental subdivision thereof, or any foreign nation or government. An "out-of-state taxing entity" does not include the United States government.

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 29, 2022

CHAPTER 313  
(S.B. No. 1429)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF AGRICULTURE; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF AGRICULTURE FOR THE PLANT INDUSTRIES PROGRAM FOR FISCAL YEAR 2022; 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 106, Laws of 2021, and any other appropriation provided for by law, there is hereby appropriated to the Department of Agriculture for the Plant Industries Program \$600,000 from the General Fund to be expended for operating expenditures for the period July 1, 2021, through June 30, 2022, for the purpose of invasive species watercraft check stations.

SECTION 2. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Department of Agriculture for the Plant Industries Program any unexpended and unencumbered balances appropriated to the Department of Agriculture for the Plant Industries Program from the General Fund for the purpose of invasive species watercraft check stations for fiscal year 2022 in an amount not to exceed \$600,000 from the General Fund to be used for nonrecurring expenditures related to invasive species watercraft check stations for the period July 1, 2022, through June 30, 2023. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 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 29, 2022

CHAPTER 314  
(H.B. No. 694)

AN ACT

RELATING TO ELECTION REGISTERS; AMENDING SECTION 34-433, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE MONTHLY CORRECTION OF ELECTION REGISTERS FROM REPORTED DEATHS; AMENDING SECTION 39-270, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE DISCLOSURE OF INFORMATION; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 34-433, Idaho Code, be, and the same is hereby amended to read as follows:

34-433. MONTHLY CORRECTION OF ELECTION REGISTER FROM REPORTED DEATHS. (1) The state board of health and welfare shall, on or about the 25th twenty-fifth day of each month, furnish to the secretary of state a listing showing the name, age date of birth, county of residence and residence address of each Idaho resident who has died during the preceding month. The secretary of state shall sort this list by county and furnish a copy of same to each county clerk. Each county clerk shall immediately cancel all registrations of individuals reported as deceased by the state board of health and welfare in the board's report to the secretary of state.

(2) A version of the list provided to the secretary of state by the state board of health and welfare pursuant to subsection (1) of this section may be requested from the board as a public record, provided that the publicly requestable list shall include each decedent's name, county of residence, residence address, and age at the time the publicly available list is created, but shall not include any decedent's date of birth or any other information.

SECTION 2. 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 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 or at the direction of the state registrar to a state, federal or local public agency for child protection and child support enforcement purposes or for the purpose of investigation of fraud. 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, except as provided in section 34-433(2), Idaho Code.

(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 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 29, 2022

CHAPTER 315  
(H.B. No. 770)

AN ACT

RELATING TO THE APPROPRIATION TO THE SUPREME COURT FOR FISCAL YEAR 2023; APPROPRIATING MONEYS TO THE SUPREME COURT FOR FISCAL YEAR 2023; EXEMPTING THE APPROPRIATION FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS; PROVIDING REQUIREMENTS FOR RETIREMENT CONTRIBUTIONS; CREATING A FUNDRAISING REPORT REQUIREMENT; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. There is hereby appropriated to the 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, 2022, through June 30, 2023:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
<b>I. COURT OPERATIONS:</b>					
<b>A. SUPREME COURT:</b>					
<b>FROM:</b>					
<b>General</b>					
Fund	\$7,625,500	\$1,446,300	\$7,500	\$225,600	\$9,304,900
<b>Miscellaneous Revenue</b>					
Fund		318,500			318,500
<b>ARPA State Fiscal Recovery</b>					
Fund	1,614,300	16,117,200	2,259,000		19,990,500
<b>Federal Grant</b>					
Fund	<u>387,000</u>	<u>1,432,800</u>	<u>0</u>	<u>0</u>	<u>1,819,800</u>
<b>TOTAL</b>	<b>\$9,626,800</b>	<b>\$19,314,800</b>	<b>\$2,266,500</b>	<b>\$225,600</b>	<b>\$31,433,700</b>

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
<b>B. COURT OF APPEALS:</b>					
FROM:					
General					
Fund	\$2,287,500	\$50,100			\$2,337,600
<b>C. DISTRICT COURTS:</b>					
FROM:					
General					
Fund	\$19,796,200	\$2,312,000	\$22,500		\$22,130,700
Court Technology					
Fund	5,979,400	2,058,200	3,348,300		11,385,900
Drug Court, Mental Health Court and Family Court Services					
Fund	<u>1,590,300</u>	<u>3,501,500</u>	<u>0</u>		<u>5,091,800</u>
TOTAL	\$27,365,900	\$7,871,700	\$3,370,800		\$38,608,400
<b>D. MAGISTRATE DIVISION:</b>					
FROM:					
General					
Fund	\$18,171,500	\$449,000	\$5,000		\$18,625,500
Drug Court, Mental Health Court and Family Court Services					
Fund	1,140,200	1,890,700			3,030,900
Guardianship Pilot Project					
Fund	328,000	77,500			405,500
Senior Magistrate Judges					
Fund		600,000			600,000
Federal Grant					
Fund	<u>20,400</u>	<u>90,100</u>	<u>0</u>		<u>110,500</u>
TOTAL	\$19,660,100	\$3,107,300	\$5,000		\$22,772,400
<b>E. WATER ADJUDICATION:</b>					
FROM:					
General					
Fund	\$829,900	\$166,300			\$996,200
<b>F. COMMUNITY-BASED SUBSTANCE ABUSE TREATMENT SERVICES:</b>					
FROM:					
General					
Fund				\$1,048,000	\$1,048,000
Substance Abuse Treatment					
Fund	<u>\$236,600</u>	<u>\$434,200</u>		<u>4,230,800</u>	<u>4,901,600</u>
TOTAL	\$236,600	\$434,200		\$5,278,800	\$5,949,600

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
<b>G. SENIOR JUDGES:</b>					
FROM:					
General					
Fund	\$1,181,900				\$1,181,900
DIVISION TOTAL	\$61,188,700	\$30,944,400	\$5,642,300	\$5,504,400	\$103,279,800
<b>II. GUARDIAN AD LITEM PROGRAM:</b>					
FROM:					
General					
Fund	\$16,700			\$2,076,700	\$2,093,400
<b>III. JUDICIAL COUNCIL:</b>					
FROM:					
General					
Fund	\$1,800	\$129,000			\$130,800
GRAND TOTAL	\$61,207,200	\$31,073,400	\$5,642,300	\$7,581,100	\$105,504,000

**SECTION 2. EXEMPTIONS FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS.** 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, 2022, through June 30, 2023. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

**SECTION 3. RETIREMENT CONTRIBUTIONS.** 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.

**SECTION 4. FUNDRAISING DISTRIBUTION REPORT.** The Guardian Ad Litem Program shall deliver a report on the receipts and expenditures on the program's fundraising activities and a report on the number of hours spent fundraising. The format of the report and the information included therein shall be determined by the Legislative Services Office. The report shall be submitted to the Legislative Services Office Budget and Policy Analysis Division no later than December 31, 2022.

**SECTION 5.** An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

CHAPTER 316  
(S.B. No. 1422)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF FISH AND GAME FOR FISCAL YEAR 2023; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF FISH AND GAME FOR FISCAL YEAR 2023; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the Department of Fish and Game for the Wildlife Program the following amounts to be expended for operating expenditures from the listed funds for the period July 1, 2022, through June 30, 2023:

FROM:

Fish and Game Set-Aside Fund	\$500,000
Fish and Game Fund	1,400,000
Fish and Game (Federal) Fund	<u>400,000</u>
TOTAL	\$2,300,000

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 29, 2022

CHAPTER 317  
(H.B. No. 801)

AN ACT

RELATING TO THE APPROPRIATION TO THE MILITARY DIVISION FOR FISCAL YEAR 2023; APPROPRIATING ADDITIONAL MONEYS TO THE MILITARY DIVISION FOR FISCAL YEAR 2023; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the Military Division for the Military Management Program \$46,000 from the General Fund to be expended for trustee and benefit payments for the period July 1, 2022, through June 30, 2023.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 28, 2022

## CHAPTER 318

(H.B. No. 735, As Amended in the Senate)

## AN ACT

RELATING TO COUNTY INDIGENT SERVICES AND FINANCES; PROVIDING LEGISLATIVE INTENT; AMENDING SECTION 63-3620F, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE DISTRIBUTION OF CERTAIN ONLINE SALES AND USE TAX REVENUE; AMENDING SECTION 63-3638, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE DISTRIBUTION OF SALES AND USE TAX REVENUE; REPEALING SECTION 31-863, IDAHO CODE, RELATING TO THE LEVY FOR CHARITIES FUND; AMENDING SECTION 31-3401, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE POWERS AND DUTIES OF COUNTY COMMISSIONERS WITH RESPECT TO NONMEDICAL ASSISTANCE FOR INDIGENT PERSONS; REPEALING SECTION 31-3501, IDAHO CODE, RELATING TO A DECLARATION OF POLICY; REPEALING SECTION 31-3502, IDAHO CODE, RELATING TO DEFINITIONS; AMENDING SECTION 31-3503, IDAHO CODE, TO REMOVE PROVISIONS REGARDING POWERS AND DUTIES OF COUNTY COMMISSIONERS AND TO REDESIGNATE THE SECTION; REPEALING SECTIONS 31-3503A, 31-3503B, 31-3503C, 31-3503D, 31-3503E, 31-3503F, 31-3504, 31-3505, 31-3505A, 31-3505B, 31-3505C, 31-3505D, 31-3505E, 31-3505F, AND 31-3505G, IDAHO CODE, RELATING TO COUNTY HOSPITALS FOR THE INDIGENT SICK; AMENDING SECTION 31-3505H, IDAHO CODE, TO REVISE PROVISIONS REGARDING ELIGIBILITY FOR FINANCIAL ASSISTANCE AND TO REDESIGNATE THE SECTION; REPEALING SECTIONS 31-3506, 31-3507, 31-3508, 31-3508A, 31-3509, AND 31-3510, IDAHO CODE, RELATING TO COUNTY HOSPITALS FOR THE INDIGENT SICK; AMENDING SECTION 31-3510A, IDAHO CODE, TO REVISE PROVISIONS REGARDING REIMBURSEMENT AND TO REDESIGNATE THE SECTION; REPEALING SECTION 31-3511, IDAHO CODE, RELATING TO VIOLATIONS AND PENALTIES; AMENDING SECTION 31-3512, IDAHO CODE, TO REDESIGNATE THE SECTION; AMENDING SECTION 31-3513, IDAHO CODE, TO REDESIGNATE THE SECTION; AMENDING SECTION 31-3514, IDAHO CODE, TO REDESIGNATE THE SECTION; AMENDING SECTION 31-3515, IDAHO CODE, TO REDESIGNATE THE SECTION; AMENDING SECTION 31-3515A, IDAHO CODE, TO REDESIGNATE THE SECTION; AMENDING SECTION 31-3516, IDAHO CODE, TO REDESIGNATE THE SECTION; REPEALING SECTIONS 31-3517, 31-3518, 31-3519, 31-3520, AND 31-3521, IDAHO CODE, RELATING TO THE CATASTROPHIC HEALTH CARE COST PROGRAM; REPEALING SECTIONS 31-3550, 31-3551, 31-3552, 31-3553, 31-3554, 31-3555, 31-3556, AND 31-3557, IDAHO CODE, RELATING TO THE ADVISORY PANEL FOR PRELITIGATION CONSIDERATION OF INDIGENT RESOURCE ELIGIBILITY CLAIMS; REPEALING SECTION 31-3558, IDAHO CODE, RELATING TO CERTAIN NONDISCLOSURE OF PERSONAL IDENTIFYING INFORMATION; AMENDING SECTION 57-811, IDAHO CODE, TO PROVIDE FOR THE TRANSFER OF MONEYS FROM THE TAX RELIEF FUND; AMENDING SECTION 63-802, IDAHO CODE, TO REVISE PROVISIONS REGARDING TAXING DISTRICT BUDGET LIMITATIONS; AMENDING CHAPTER 8, TITLE 19, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 19-847, IDAHO CODE, TO PROVIDE FOR THE RESPONSIBILITY FOR INDIGENT PUBLIC DEFENSE; AMENDING SECTION 19-858, IDAHO CODE, TO REVISE PROVISIONS REGARDING REIMBURSEMENT FOR LEGAL ASSISTANCE; AMENDING SECTION 19-863A, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE CAPITAL CRIMES DEFENSE FUND; AMENDING CHAPTER 8, TITLE 57, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 57-827, IDAHO CODE, TO ESTABLISH THE STATE PUBLIC DEFENSE FUND; AMENDING SECTION 31-3607, IDAHO CODE, TO REMOVE A CODE REFERENCE; AMENDING SECTION 39-424A, IDAHO CODE, TO REMOVE A CODE REFERENCE; AMENDING SECTION 67-7903, IDAHO CODE, TO REMOVE A CODE REFERENCE; REPEALING SECTION 57-811, IDAHO CODE, RELATING TO THE TAX RELIEF FUND; AND DECLARING AN EMERGENCY AND PROVIDING EFFECTIVE DATES.

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

SECTION 1. LEGISLATIVE INTENT. The Legislature finds that an important objective of this act is to provide property tax relief to Idahoans by repealing certain county levies and replacing the amount that counties would have levied for two years with state funds. Additionally, this act establishes a dedicated funding source for the provision of public defense in this state and, on and after October 1, 2024, relieves counties of the statutory responsibility to fund and operate indigent public defense. Consequently, this act creates a window of opportunity to determine a new model by which the State of Idaho will fulfill its constitutional obligation to provide adequate indigent public defense after that date. Therefore, it is the intent of the Legislature that, before the adjournment sine die of the next regular session of the Idaho Legislature, a state indigent public defense system be enacted using the dedicated fund created in this act. It is also the intent of the Legislature that all administrative rules promulgated by the State Public Defense Commission shall expire on and after October 1, 2024, after the transition to the new model.

SECTION 2. That Section 63-3620F, Idaho Code, be, and the same is hereby amended to read as follows:

63-3620F. DISTRIBUTION OF TAX COLLECTED BY MARKETPLACE FACILITATORS AND OUT-OF-STATE RETAILERS. (1) State sales and use taxes collected by retailers without a physical presence in Idaho, as described in section 63-3611(3)(h), Idaho Code, and state sales and use taxes collected on transactions facilitated for third-party sellers by marketplace facilitators, as described in section 63-3605E, Idaho Code, shall be distributed as provided in this section.

(2) From June 1, 2019, through June 30, 2024, all state sales and use taxes described in subsection (1) of this section shall be distributed by the state tax commission as follows:

(a) An amount of money shall be distributed to the state refund account sufficient to pay current refund claims under this section. All refunds authorized for payment by the state tax commission shall be paid through the state refund account and those moneys are continuously appropriated; and

(b) All remaining funds received pursuant to this section shall be distributed to the tax relief fund established in section 57-811, Idaho Code.

(3) On and after July 1, 2024, all state sales and use taxes described in subsection (1) of this section shall be distributed by the state tax commission as follows:

~~(a) An amount of money shall be distributed to the state refund account sufficient to pay current refund claims under this section. All refunds authorized for payment by the state tax commission shall be paid through the state refund account, and those moneys are continuously appropriated; and~~

~~(b) The remaining funds shall be distributed through the distribution formula set forth for other sales and use tax revenue in section 63-3638, Idaho Code, except that the remainder after distribution shall not be paid to the general fund pursuant to section 63-3638(15), Idaho Code, but shall instead be paid to the tax relief fund established in section 57-811, Idaho Code.~~

(4) Marketplace facilitators must obtain a separate seller's permit and collect and remit under that separate permit for state sales and use taxes collected on transactions facilitated for third-party sellers.

SECTION 3. That Section 63-3638, Idaho Code, be, and the same is hereby amended to read as follows:



63-3638. SALES TAX -- DISTRIBUTION. All moneys collected under this chapter, except as may otherwise be required in sections 63-3203, 63-3620F, and 63-3709, Idaho Code, and except as provided in subsection (16) of this section, shall be distributed by the state tax commission as follows:

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

(2) Five million dollars (\$5,000,000) per year is continuously appropriated and shall be distributed to the permanent building fund, provided by section 57-1108, Idaho Code.

(3) Four million eight hundred thousand dollars (\$4,800,000) per year is continuously appropriated and shall be distributed to the water pollution control fund established by section 39-3628, Idaho Code.

(4) An amount equal to the sum required to be certified by the chairman of the Idaho housing and finance association to the state tax commission pursuant to section 67-6211, Idaho Code, in each year is continuously appropriated and shall be paid to any capital reserve fund established by the Idaho housing and finance association pursuant to section 67-6211, Idaho Code. Such amounts, if any, as may be appropriated hereunder to the capital reserve fund of the Idaho housing and finance association shall be repaid for distribution under the provisions of this section, subject to the provisions of section 67-6215, Idaho Code, by the Idaho housing and finance association, as soon as possible, from any moneys available therefor and in excess of the amounts the association determines will keep it self-supporting.

(5) An amount equal to the sum required by the provisions of sections 63-709 and 63-717, Idaho Code, after allowance for the amount appropriated by section 63-718(3), Idaho Code, is continuously appropriated and shall be paid as provided by sections 63-709 and 63-717, Idaho Code.

(6) An amount required by the provisions of chapter 53, title 33, Idaho Code.

(7) An amount required by the provisions of chapter 87, title 67, Idaho Code.

(8) For fiscal year 2011 and each fiscal year thereafter, four million one hundred thousand dollars (\$4,100,000), of which two million two hundred thousand dollars (\$2,200,000) shall be distributed to each of the forty-four (44) counties in equal amounts and one million nine hundred thousand dollars (\$1,900,000) shall be distributed to the forty-four (44) counties in the proportion that the population of the county bears to the population of the state. For fiscal year 2012 and for each fiscal year thereafter, the amount distributed pursuant to this subsection shall be adjusted annually by the state tax commission in accordance with the consumer price index for all urban consumers (CPI-U) as published by the U.S. department of labor, bureau of labor statistics, but in no fiscal year shall the total amount allocated for counties under this subsection be less than four million one hundred thousand dollars (\$4,100,000). Any increase resulting from the adjustment required in this section shall be distributed to each county in the proportion that the population of the county bears to the population of the state. Each county shall establish a special election fund to which shall be deposited all revenues received from the distribution pursuant to this subsection. All such revenues shall be used exclusively to defray the costs associated with conducting elections as required of county clerks by the provisions of section 34-1401, Idaho Code.

(9) One dollar (\$1.00) on each application for certificate of title or initial application for registration of a motor vehicle, snowmobile, all-terrain vehicle or other vehicle processed by the county assessor or the Idaho transportation department, excepting those applications in which any sales or use taxes due have been previously collected by a retailer, shall be a fee for the services of the assessor of the county or the Idaho

transportation department in collecting such taxes and shall be paid into the current expense fund of the county or state highway account established in section 40-702, Idaho Code.

(10) Eleven and five-tenths percent (11.5%) is continuously appropriated and shall be distributed to the revenue-sharing account, which is hereby created in the state treasury, and the moneys in the revenue-sharing account will be paid in installments each calendar quarter by the state tax commission ~~on and after July 1, 2020,~~ as follows:

(a) Forty-five and two-tenths percent (45.2%) shall be paid to the various cities as follows:

(i) The Beginning in fiscal year 2025 and each fiscal year thereafter, four million dollars (\$4,000,000) shall be transferred each quarter to the state public defense fund created in section 57-827, Idaho Code.

(ii) After the distribution required by subparagraph (i) of this paragraph, the revenue-sharing amount calculated by the state tax commission for the various cities for each quarter of fiscal year 2020 shall be the base amount for current quarterly revenue distribution amounts. The state tax commission shall calculate the per capita distribution for each city resulting from the previous fiscal year's distributions.

(iii) If there is no change in the amount of the revenue-sharing account from the same quarter of the previous fiscal year, then the various cities shall receive the same amount received for the same quarter of the previous fiscal year.

(iiiv) If the balance of the revenue-sharing account for the current quarter is greater than the balance of the revenue-sharing account for the same quarter of the previous fiscal year, then:

1. If the distributions made to the cities during the same quarter of the previous fiscal year were below the base amount established in fiscal year 2020, then the various cities shall first receive a proportional increase up to the base amount for each city and up to a one percent (1%) increase over such base amount. Any remaining moneys shall be distributed to cities with a below-average per capita distribution in the proportion that the population of that city bears to the population of all cities with below-average per capita distributions within the state.

2. If the distributions made to the cities during the same quarter of the previous fiscal year were at or above the base amount established in fiscal year 2020, then the cities shall receive the same distribution they received during the same quarter of the previous fiscal year plus a proportional increase up to one percent (1%). Any remaining moneys shall be distributed to the cities with a below-average per capita distribution in the proportion that the population of that city bears to the population of all cities with a below-average per capita distribution within the state.

(iv) If the balance of the revenue-sharing account for the current quarter is less than the balance of the revenue-sharing account for the same quarter of the previous fiscal year, then the cities shall first receive a proportional reduction down to the base amount established in fiscal year 2020. If further reductions are necessary, the cities shall receive reductions based on the proportion that each city's population bears to the population of all cities within the state.

(b) Forty-seven and one-tenth percent (47.1%) shall be paid to the various counties as follows:

(i) Fifty-nine Beginning in fiscal year 2025, five million dollars (\$5,000,000) shall be transferred each quarter to the state public defense fund created in section 57-827, Idaho Code. The growth percentage distributed pursuant to this subparagraph shall be recalculated each quarter beginning in fiscal year 2026 and in each fiscal year thereafter through fiscal year 2030. If the growth is positive and is calculated over the same period from the previous fiscal year, a proportional increase in the initial transfer amount of up to five percent (5%) annually shall be transferred to the state public defense fund. After fiscal year 2030, an amount equal to one-fourth (1/4) of the total amount transferred to the state public defense fund in fiscal year 2030 pursuant to this subparagraph shall be transferred quarterly to the state public defense fund;

(ii) Following the distribution required by subparagraph (i) of this paragraph, fifty-nine and eight-tenths percent (59.8%) of the amount to be distributed under this paragraph (b) of this subsection shall be distributed as follows:

1. One million three hundred twenty thousand dollars (\$1,320,000) annually shall be distributed one forty-fourth (1/44) to each of the various counties; and
2. The balance of such amount shall be paid to the various counties, and each county shall be entitled to an amount in the proportion that the population of that county bears to the population of the state; and

(iii) Forty Following the distribution required by subparagraph (i) of this paragraph, forty and two-tenths percent (40.2%) of the amount to be distributed under this paragraph (b) of this subsection shall be distributed as follows:

1. Each county that received a payment under the provisions of section 63-3638(e), Idaho Code, as that subsection existed immediately prior to July 1, 2000, during the fourth quarter of calendar year 1999, shall be entitled to a like amount during succeeding calendar quarters.
2. If the dollar amount of money available under this subsection (10)(b)(iii) in any quarter does not equal the amount paid in the fourth quarter of calendar year 1999, each county's payment shall be reduced proportionately.
3. If the dollar amount of money available under this subsection (10)(b)(iii) in any quarter exceeds the amount paid in the fourth quarter of calendar year 1999, each county shall be entitled to a proportionately increased payment, but such increase shall not exceed one hundred five percent (105%) of the total payment made in the fourth quarter of calendar year 1999.
4. If the dollar amount of money available under this subsection (10)(b)(iii) in any quarter exceeds one hundred five percent (105%) of the total payment made in the fourth quarter of calendar year 1999, any amount over and above such one hundred five percent (105%) shall be paid to the various counties in the proportion that the population of the county bears to the population of the state; and

(c) Seven and seven-tenths percent (7.7%) of the amount appropriated in this subsection shall be paid to the several counties for distribution to special purpose taxing districts as follows:

(i) Each such district that received a payment under the provisions of section 63-3638(e), Idaho Code, as such subsection existed immediately prior to July 1, 2000, during the fourth quarter of calendar year 1999, shall be entitled to a like amount during succeeding calendar quarters.

(ii) If the dollar amount of money available under this subsection (10) (c) in any quarter does not equal the amount paid in the fourth quarter of calendar year 1999, each special purpose taxing district's payment shall be reduced proportionately.

(iii) If the dollar amount of money available under this subsection (10) (c) in any quarter exceeds the amount distributed under paragraph (c) (i) of this subsection, each special purpose taxing district shall be entitled to a share of the excess based on the proportion each such district's current property tax budget bears to the sum of the current property tax budgets of all such districts in the state. The state tax commission shall calculate district current property tax budgets to include any unrecovered forgone amounts as determined under section 63-802(1) (e), Idaho Code. When a special purpose taxing district is situated in more than one (1) county, the state tax commission shall determine the portion attributable to the special purpose taxing district from each county in which it is situated.

(iv) If special purpose taxing districts are consolidated, the resulting district is entitled to a base amount equal to the sum of the base amounts received in the last calendar quarter by each district prior to the consolidation.

(v) If a special purpose taxing district is dissolved or disincorporated, the state tax commission shall continuously distribute to the board of county commissioners an amount equal to the last quarter's distribution prior to dissolution or disincorporation. The board of county commissioners shall determine any redistribution of moneys so received.

(vi) Taxing districts formed after January 1, 2001, are not entitled to a payment under the provisions of this paragraph (c) of this subsection.

(vii) For purposes of this paragraph (c) of this subsection, a special purpose taxing district is any taxing district that is not a city, a county, or a school district.

(11) Amounts calculated in accordance with section 2, chapter 356, laws of 2001, for annual distribution to counties and other taxing districts beginning in October 2001 for replacement of property tax on farm machinery and equipment exempted pursuant to section 63-602EE, Idaho Code. For nonschool districts, the state tax commission shall distribute one-fourth (1/4) of this amount certified quarterly to each county. For school districts, the state tax commission shall distribute one-fourth (1/4) of the amount certified quarterly to each school district. For nonschool districts, the county auditor shall distribute to each district within thirty (30) calendar days from receipt of moneys from the state tax commission. Moneys received by each taxing district for replacement shall be utilized in the same manner and in the same proportions as revenues from property taxation. The moneys remitted to the county treasurer for replacement of property exempt from taxation pursuant to section 63-602EE, Idaho Code, may be considered by the counties and other taxing districts and budgeted at the same time, in the same manner and in the same year as revenues from taxation on personal property which these moneys replace. If taxing districts are consolidated, the resulting district is entitled to an amount equal to the sum of the amounts received in the last calendar quarter by each district pursuant to this subsection prior to the consolidation. If a taxing district is dissolved or disincorporated, the state tax commission shall continuously distribute

to the board of county commissioners an amount equal to the last quarter's distribution prior to dissolution or disincorporation. The board of county commissioners shall determine any redistribution of moneys so received. If a taxing district annexes territory, the distribution of moneys received pursuant to this subsection shall be unaffected. Taxing districts formed after January 1, 2001, are not entitled to a payment under the provisions of this subsection. School districts shall receive an amount determined by multiplying the sum of the year 2000 school district levy minus .004 times the market value on December 31, 2000, in the district of the property exempt from taxation pursuant to section 63-602EE, Idaho Code, provided that the result of these calculations shall not be less than zero (0). The result of these school district calculations shall be further increased by six percent (6%). For purposes of the limitation provided by section 63-802, Idaho Code, moneys received pursuant to this section as property tax replacement for property exempt from taxation pursuant to section 63-602EE, Idaho Code, shall be treated as property tax revenues.

(12) Amounts necessary to pay refunds as provided in section 63-3641, Idaho Code, to a developer of a retail complex shall be remitted to the demonstration pilot project fund created in section 63-3641, Idaho Code.

(13) Amounts calculated in accordance with section 63-602KK(4), Idaho Code, for annual distribution to counties and other taxing districts for replacement of property tax on personal property tax exemptions pursuant to section 63-602KK(2), Idaho Code, which amounts are continuously appropriated unless the legislature enacts a different appropriation for a particular fiscal year. For purposes of the limitation provided by section 63-802, Idaho Code, moneys received pursuant to this section as property tax replacement for property exempt from taxation pursuant to section 63-602KK, Idaho Code, shall be treated as property tax revenues. If taxing districts are consolidated, the resulting district is entitled to an amount equal to the sum of the amounts that were received in the last calendar year by each district pursuant to this subsection prior to the consolidation. If a taxing district or revenue allocation area annexes territory, the distribution of moneys received pursuant to this subsection shall be unaffected. Taxing districts and revenue allocation areas formed after January 1, 2022, are not entitled to a payment under the provisions of this subsection.

~~(14) Amounts collected from purchasers and paid to the state of Idaho by retailers that are not engaged in business in this state and which retailer would not have been required to collect the sales tax, less amounts otherwise distributed in subsections (1) and (10) of this section, shall be distributed to the tax relief fund created in section 57-811, Idaho Code. The state tax commission will determine the amounts to be distributed under this subsection. For fiscal years 2023 and 2024 only, a sum of thirty-four million dollars (\$34,000,000) shall be distributed each year by the state tax commission to the forty-four (44) counties in the proportion that the expenditures of each county for indigent defense services during county fiscal year 2021, excluding any state funding or grants, bear to the expenditures of all counties in the state for indigent defense services during county fiscal year 2021, excluding any state funding or grants. No later than July 1, 2022, the state public defense commission shall certify to the state tax commission each county's proportionate share of all counties' indigent defense expenses in county fiscal year 2021, excluding any state funding or grants.~~

(15) Any moneys remaining over and above those necessary to meet and reserve for payments under other subsections of this section shall be distributed to the general fund.

(16) (a) Four and five-tenths percent (4.5%), but not less than eighty million dollars (\$80,000,000), is continuously appropriated and shall be distributed to the transportation expansion and congestion mitigation fund established in section 40-720, Idaho Code.

(b) Any portion of the four and five-tenths percent (4.5%) provided for in paragraph (a) of this subsection that exceeds eighty million dollars (\$80,000,000) is continuously appropriated and shall be apportioned to local units of government for local highway projects in the same percentages provided for in section 40-709(1) through (3), Idaho Code. Local units of government may pool funds allocated to them pursuant to this paragraph for local highway projects.

(c) The distribution provided for in this subsection must immediately follow the distribution provided for in subsection (10) of this section.

SECTION 4. That Section 31-863, Idaho Code, be, and the same is hereby repealed.

SECTION 5. That Section 31-3401, Idaho Code, be, and the same is hereby amended to read as follows:

31-3401. POWERS AND DUTIES OF THE BOARD OF COUNTY COMMISSIONERS. The boards of county commissioners in their respective counties shall, under such limitations and restrictions as are prescribed by law, evaluate the need and provide to indigent person(s) nonmedical assistance in a temporary situation only when no alternatives exist. Nothing in this chapter shall imply county assistance is to be provided on a continuing basis. Boards of county commissioners, by resolution, shall promulgate policies and procedures, may negotiate payment to providers, and may contract for nonmedical services, pursuant to this chapter. For the purpose of funding Boards of county commissioners may fund nonmedical services for indigent persons, boards of county commissioners are authorized to levy an ad valorem tax from the county current expense fund pursuant to section 31-3503 63-805, Idaho Code.

SECTION 6. That Section 31-3501, Idaho Code, be, and the same is hereby repealed.

SECTION 7. That Section 31-3502, Idaho Code, be, and the same is hereby repealed.

SECTION 8. That Section 31-3503, Idaho Code, be, and the same is hereby amended to read as follows:

31-3503<sup>1</sup>. POWERS AND DUTIES OF COUNTY COMMISSIONERS. The county commissioners in their respective counties shall, under such limitations and restrictions as are prescribed by law, ~~+~~

~~(1) Pay for necessary medical services for the medically indigent residents of their counties as provided in this chapter and as approved by the county commissioners at the reimbursement rate up to the total sum of eleven thousand dollars (\$11,000) in the aggregate per resident in any consecutive twelve (12) month period or contract for the provision of necessary medical services pursuant to sections 31-3520 and 31-3521, Idaho Code.~~

~~(2) Have the right to contract with providers, transfer patients, negotiate provider agreements, conduct utilization management or any portion thereof, pay for authorized expenses directly, or indirectly through the use of alternative programs, that would assist in managing costs of providing health care for indigent persons, and all other powers incident to the county's duties created by this chapter.~~

~~(3) Cooperate with the department, the board and contractors retained by the department or the board to provide services including, but not limited to, medicaid eligibility review and utilization management on behalf of the counties and the board.~~

(4) Hhave the jurisdiction and power to provide county hospitals and public general hospitals for the county and others who are sick, injured, maimed, aged and infirm and to erect, enlarge, purchase, lease, or otherwise acquire, and to officer, maintain and improve hospitals, hospital grounds, nurses' homes, shelter care facilities and residential or assisted living facilities as defined in section 39-3301, Idaho Code, superintendent's quarters, medical clinics, as that term is defined in section 39-1319, Idaho Code, medical clinic grounds or any other necessary buildings, and to equip the same, and to replace equipment, and for this purpose said commissioners may levy an additional tax of not to exceed six hundredths percent (.06%) of the market value for assessment purposes on all taxable property within the county. The term "public general hospitals" as used in this subsection shall be construed to include nursing homes.

SECTION 9. That Section 31-3503A, Idaho Code, be, and the same is hereby repealed.

SECTION 10. That Section 31-3503B, Idaho Code, be, and the same is hereby repealed.

SECTION 11. That Section 31-3503C, Idaho Code, be, and the same is hereby repealed.

SECTION 12. That Section 31-3503D, Idaho Code, be, and the same is hereby repealed.

SECTION 13. That Section 31-3503E, Idaho Code, be, and the same is hereby repealed.

SECTION 14. That Section 31-3503F, Idaho Code, be, and the same is hereby repealed.

SECTION 15. That Section 31-3504, Idaho Code, be, and the same is hereby repealed.

SECTION 16. That Section 31-3505, Idaho Code, be, and the same is hereby repealed.

SECTION 17. That Section 31-3505A, Idaho Code, be, and the same is hereby repealed.

SECTION 18. That Section 31-3505B, Idaho Code, be, and the same is hereby repealed.

SECTION 19. That Section 31-3505C, Idaho Code, be, and the same is hereby repealed.

SECTION 20. That Section 31-3505D, Idaho Code, be, and the same is hereby repealed.

SECTION 21. That Section 31-3505E, Idaho Code, be, and the same is hereby repealed.

SECTION 22. That Section 31-3505F, Idaho Code, be, and the same is hereby repealed.

SECTION 23. That Section 31-3505G, Idaho Code, be, and the same is hereby repealed.

SECTION 24. That Section 31-3505H, Idaho Code, be, and the same is hereby amended to read as follows:

31-3505H2. ELIGIBILITY FOR FINANCIAL ASSISTANCE. (1) Notwithstanding any provision of law or rule to the contrary, no person eligible for medicaid pursuant to section 56-254 or 56-267, Idaho Code, shall be eligible for financial assistance pursuant to this chapter as it existed on March 1, 2022.

(2) Notwithstanding any provision of law or rule to the contrary, no person eligible for health insurance shall be eligible for financial assistance pursuant to this chapter as it existed on March 1, 2022.

(3) Notwithstanding any provision of law or rule to the contrary, no person in a commitment proceeding pursuant to chapter 3, title 66, Idaho Code, who is eligible for medicaid or eligible for health insurance shall be eligible for financial assistance pursuant to this chapter as it existed on March 1, 2022.

(4) A board of county commissioners, the board of the catastrophic health care cost program, or the department of health and welfare receiving an application for assistance for services received through March 31, 2022, shall process such application pursuant to this chapter as it existed on March 1, 2022.

(5) It is the intent of the legislature that moneys saved by counties pursuant to this section may be used for additional county aid to public health districts as required by section 39-424A, Idaho Code.

SECTION 25. That Section 31-3506, Idaho Code, be, and the same is hereby repealed.

SECTION 26. That Section 31-3507, Idaho Code, be, and the same is hereby repealed.

SECTION 27. That Section 31-3508, Idaho Code, be, and the same is hereby repealed.

SECTION 28. That Section 31-3508A, Idaho Code, be, and the same is hereby repealed.

SECTION 29. That Section 31-3509, Idaho Code, be, and the same is hereby repealed.

SECTION 30. That Section 31-3510, Idaho Code, be, and the same is hereby repealed.

SECTION 31. That Section 31-3510A, Idaho Code, be, and the same is hereby amended to read as follows:

31-3510A03. REIMBURSEMENT. (1) ~~Receipt of financial assistance pursuant to this chapter~~ An approved application for financial assistance for services received through March 31, 2022, shall obligate an applicant to reimburse the obligated county and the board state for such reasonable portion of the financial assistance paid on behalf of the applicant as the county commissioners may determine that the applicant is able to pay from resources over a reasonable period of time. Cash amounts received shall be prorated between the county and the board state in proportion to the amount each has paid. Moneys distributed to the state shall be deposited into the state general fund.

(2) A final determination shall not relieve the applicant's duty to make additional reimbursement from resources if the county commissioners subsequently find within a reasonable period of time that there has been a substantial change in circumstances such that the applicant is able to pay additional amounts up to the total claim paid on behalf of the applicant.

(3) A final determination shall not prohibit the county commissioners from reviewing a petition from an applicant to reduce an order of reimbursement based on a substantial change in circumstances.



(4) The automatic lien created pursuant to the chapter may be filed and recorded in any county of this state wherein the applicant has resources and may be liquidated or unliquidated in amount. Nothing herein shall prohibit an applicant from executing a consensual lien in addition to the automatic lien created by filing an application pursuant to this chapter. In the event that resources can be located in another state, the clerk may file the lien with the district court and provide notice to the recipient. The recipient shall have twenty (20) days to object, following which the district court shall enter judgment against the recipient. The judgment entered may thereafter be filed as provided for the filing of a foreign judgment in that jurisdiction.

(5) The county shall have the same right of recovery as provided to the state of Idaho pursuant to sections 56-218 and 56-218A, Idaho Code.

(6) The county commissioners may require the employment of such of the medically indigent as are capable and able to work and whose attending physician certifies they are capable of working.

(7) That portion of the moneys received by a county as reimbursement that are not assigned to the catastrophic health care cost program state shall be credited to the respective county medically indigent current expense fund.

~~(8) If, after a hearing, the final determination of the county commissioners is to require a reimbursement amount or rate the applicant believes excessive, the applicant may seek judicial review of the final determination of the county commissioners in the manner provided in section 31-1506, Idaho Code. The automatic lien attached to an application for services received through March 31, 2022, pursuant to this chapter as it existed on March 1, 2022, shall continue to be valid for the purposes of collecting reimbursement pursuant to this section.~~

SECTION 32. That Section 31-3511, Idaho Code, be, and the same is hereby repealed.

SECTION 33. That Section 31-3512, Idaho Code, be, and the same is hereby amended to read as follows:

31-351204. JOINT COUNTY HOSPITALS. Recognizing the need of hospitals for the public welfare and the burden for one (1) county to finance the cost of such construction, operation and maintenance thereof within its own boundaries under certain circumstances, the county commissioners in their respective counties shall have the power to jointly and severally enter into contracts or agreements with one (1) or more adjoining counties to construct, operate and maintain joint county hospitals, either within or without the boundaries of such counties, upon a finding of each such county commissioners that there is a public necessity requiring the financing of such hospital facilities jointly with one (1) or more adjoining counties. The county commissioners shall have the same powers to operate, finance and bond for such joint county hospitals as they would have for a county hospital.

SECTION 34. That Section 31-3513, Idaho Code, be, and the same is hereby amended to read as follows:

31-351305. ELECTION FOR ISSUANCE OF BONDS. The county commissioners may, when they deem the welfare of their counties require it, or when petitioned thereto by a number of resident taxpayers of their respective counties equal to five percent (5%) of the number of persons voting for the secretary of state of the state of Idaho, at the election next preceding the date of such petition, submit to the qualified electors of said county at any election held as provided in section 34-106, Idaho Code, the proposition whether negotiable coupon bonds of the county to the amount stated in such proposition shall be issued and sold for the purpose of providing such hospital, hospital grounds, nurses' homes, nursing homes, residential or assisted living facilities, shelter care facilities, medical clinics, superintendent's quarters, or any other necessary buildings, and equipment, and may on their own initiative submit to the qualified electors of the county at any general election the proposition whether negotiable coupon bonds of the county to the amount stated in such proposition shall be issued and sold for the purpose of providing for the extension and enlargement of existing hospital, hospital grounds, nurses' homes, nursing homes, residential or assisted living facilities, shelter care facilities, medical clinics or grounds, superintendent's quarters, or any other necessary buildings, and equipment, and when authorized thereto by two-thirds (2/3) vote at such election, shall issue and sell such coupon bonds and use the proceeds therefrom for the purposes authorized by such election. Said proposition may be submitted to the qualified electors at an election held subject to the provisions of section 34-106, Idaho Code, if the county commissioners shall by resolution so determine. No person shall be qualified to vote at any election held under the provisions of this section unless he shall possess all the qualifications required of electors under the general laws of this state.

The county commissioners shall be governed in calling and holding such election and in the issuance and sale of such bonds, and in the providing for the payment of the principal and interest thereon by the provisions of chapter 19, title 31, Idaho Code, and by the provisions of chapter 2, title 57, Idaho Code; provided, however, that when such bonds have been issued and sold and a period of two (2) years or more has elapsed from the date of sale of said bonds and for any reason the proceeds from the sale of said bonds or other moneys appropriated for the purpose for which said bonds were issued, have not been used for the purpose for which they were appropriated or said bond issue made, the county commissioners may, with the written consent of all of the bondholders first having been obtained, submit to the qualified electors, as herein defined, the question of spending such moneys for a definite purpose. The purpose for which it is decided to spend such moneys shall be clearly and plainly stated on the ballot. If a majority of the qualified electors shall vote in favor of spending such moneys for the purpose stated, the county commissioners shall proceed in the same manner as if such different purpose had been the original purpose for such bond issue or appropriation. Provided, further that if less than a majority of the qualified electors shall vote in favor of spending such moneys for such different purpose, or if no such election should be had, when all of the bonds shall have been retired, such excess moneys shall be placed in the general fund.

SECTION 35. That Section 31-3514, Idaho Code, be, and the same is hereby amended to read as follows:

31-351406. INTERNAL MANAGEMENT -- ACCOUNTS AND REPORTS. Such facilities as referred to in section 31-3503(2), Idaho Code, may suitably provide for and accept other patients and must charge and accept payments from such other patients as are able to make payments for services rendered and care given. The county commissioners may make suitable rules and regulations for the management and operation of such property by a suitable board of control, or otherwise, or for carrying out such hospital uses and purposes under a lease of the same.

The boards or officers or lessees of such hospital property shall render accounts and reports to the county commissioners as may be required by the county commissioners; and shall render accounts and deliver over any and all moneys received by them for the county to the county treasurer to be credited to the operation expense of hospitals and indigent sick and otherwise dependent poor of the county in such manner as provided by law for the handling of funds of this kind.

Said board of control may permit persons from out of the county where such hospital is located to be admitted for hospitalization to such hospital. As to such cases special rates for the use and service of such hospital may be provided which rates shall apply equally to all such patients who do not pay taxes within the county where such hospital is located. The purpose of providing such special rates shall be to compel persons living out of the county where such hospital is located, and who receive hospitalization in such hospital, to bear a just burden of the cost of construction and maintenance of such hospital.

SECTION 36. That Section 31-3515, Idaho Code, be, and the same is hereby amended to read as follows:

31-351507. LEASE OR SALE. Such counties acting through their county commissioners shall have the right to lease such hospitals upon such terms and for such a length of time as they may decide, or to sell the same; provided, however, that no such lease or sale, except those leases entered into between such counties and the Idaho health facilities authority as provided in section 31-836, Idaho Code, shall be final or valid unless and until it has been approved by a majority of the qualified electors of said county voting on such question at an election held subject to the provisions of section 34-106, Idaho Code; except if a hospital district has been created under the provisions of chapter 13, title 39, Idaho Code, county commissioners shall have the right to lease, as provided in section 31-836, Idaho Code, such hospitals within a created hospital district to the hospital district without submitting the question of lease or sale to the qualified electors of the county or the respective hospital district.

SECTION 37. That Section 31-3515A, Idaho Code, be, and the same is hereby amended to read as follows:

31-3515A08. CONVEYANCE, LEASE OF COUNTY HOSPITAL TO NONPROFIT CORPORATION. (1) As an alternative to the procedure set forth in section 31-351507, Idaho Code, counties acting through their respective county commissioners may convey or lease county hospitals, and the equipment therein, subject to the following conditions:

- (a) The entity to which the hospital is to be transferred shall be a non-profit corporation;
- (b) No lease term shall exceed ninety-nine (99) years. This subsection supersedes that part of section 31-836, Idaho Code, which is inconsistent herewith;

(c) The governing body of the nonprofit corporation must be composed initially of the incumbent members of the board of hospital trustees, as individuals. The articles of incorporation must provide for a membership of the corporation which is:

(i) Broadly representative of the public and includes residents of each incorporated city in the county and of the unincorporated area of the county; or

(ii) A single nonprofit corporate member having articles of incorporation which provide for a membership of that corporation which is broadly representative of the public and includes residents of each incorporated city in the county and of the unincorporated area of the county.

The articles must further provide for the selection of the governing body by the membership of the corporation, or exclusively by a parent corporation which is the corporate member, with voting power, and not by the governing body itself, except to fill a vacancy for the unexpired term. The articles must further provide that no member of the governing body shall serve more than two (2) consecutive three (3) year terms.

(d) The nonprofit corporation must provide care for indigent patients, and receive any person falling sick or maimed within the county.

(e) The transfer agreement must provide for the transfer of patients, staff and employees, and for the continuing administration of any trusts or bequests or maintenance of records pertaining to the existing public hospital.

(f) The transfer or lease agreement shall provide for a transfer or lease price which shall be either of the following:

(i) The acceptance of all assets and assumption of all liabilities; or

(ii) Such other price as the commissioners and the nonprofit corporation may agree.

(2) If any hospital which has been conveyed pursuant to this section ceases to be used as a nonprofit hospital, unless the premises so conveyed are sold and the proceeds used to erect or enlarge another nonprofit hospital for the county, the hospital so conveyed reverts to the ownership of the county. If any hospital which has been leased pursuant to this section ceases to be used as a nonprofit hospital, the lease shall terminate.

(3) The provisions of section 31-808, Idaho Code, with respect to the sale and disposition of real and personal property owned by the county, shall not apply to transactions covered by section 31-351507, Idaho Code, and this section.

SECTION 38. That Section 31-3516, Idaho Code, be, and the same is hereby amended to read as follows:

31-351609. SEPARABILITY. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this chapter, which can be given effect without the invalid provisions or applications, and to this end the provisions of this chapter are declared to be severable.

SECTION 39. That Section 31-3517, Idaho Code, be, and the same is hereby repealed.

SECTION 40. That Section 31-3518, Idaho Code, be, and the same is hereby repealed.

SECTION 41. That Section 31-3519, Idaho Code, be, and the same is hereby repealed.

SECTION 42. That Section 31-3520, Idaho Code, be, and the same is hereby repealed.

SECTION 43. That Section 31-3521, Idaho Code, be, and the same is hereby repealed.

SECTION 44. That Section 31-3550, Idaho Code, be, and the same is hereby repealed.

SECTION 45. That Section 31-3551, Idaho Code, be, and the same is hereby repealed.

SECTION 46. That Section 31-3552, Idaho Code, be, and the same is hereby repealed.

SECTION 47. That Section 31-3553, Idaho Code, be, and the same is hereby repealed.

SECTION 48. That Section 31-3554, Idaho Code, be, and the same is hereby repealed.

SECTION 49. That Section 31-3555, Idaho Code, be, and the same is hereby repealed.

SECTION 50. That Section 31-3556, Idaho Code, be, and the same is hereby repealed.

SECTION 51. That Section 31-3557, Idaho Code, be, and the same is hereby repealed.

SECTION 52. That Section 31-3558, Idaho Code, be, and the same is hereby repealed.

SECTION 53. That Section 57-811, Idaho Code, be, and the same is hereby amended to read as follows:

57-811. TAX RELIEF FUND. (1) There is hereby created in the state treasury the tax relief fund to which shall be credited all moneys remitted from sections 63-3620F and 63-3638, Idaho Code, from federal grants, donations, or any other source. Moneys in the fund are intended to fund future tax relief statutes enacted by the legislature and may be expended pursuant to appropriation. All interest earned on the investment of idle moneys in the fund shall be returned to the fund.

(2) On July 15, 2021, the state controller shall transfer one hundred eighty million dollars (\$180,000,000) from the tax relief fund to the 2021 Idaho tax rebate fund.

(3) For fiscal year 2022 and each fiscal year thereafter, the state controller shall transfer one hundred ten million dollars (\$110,000,000) from the tax relief fund to the general fund.

(4) In addition to any other transfers authorized under this section, for fiscal years 2023 and 2024 only, the state controller shall transfer up to thirty-four million dollars (\$34,000,000) from the tax relief fund to the general fund.

(5) On July 1, 2024, any remaining moneys in the tax relief fund shall be distributed pursuant to the provisions of section 63-3638, Idaho Code.

SECTION 54. 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 otherwise provided in 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 maximum sum permitted under this section:

(a) (i) The highest 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, 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. The taxing district shall determine what portion of the three percent (3%) increase permitted under this subparagraph that it requires and then calculate a preliminary levy rate based on the percent chosen. In calculating the preliminary levy rate, the most current taxable market value shall be used, except that for taxable market values of centrally assessed operating property, the prior year's valuation may be used instead of the current year's taxable market values. The preliminary levy rate shall be multiplied by the value shown on the new construction roll compiled pursuant to section 63-301A, Idaho Code, and by ninety percent (90%) of the value of annexation during the previous calendar year, as certified by the state tax commission for taxable market values of operating property of public utilities and by the county assessor; except for a fire protection district annexing property prior to July 1, 2021, pursuant to section 31-1429, Idaho Code, the new levy rate shall be multiplied by one hundred percent (100%) of the value of any such property annexed prior to July 1, 2021.

(ii) The total budget increase calculated under this paragraph must not exceed eight percent (8%), except that any distribution of funds to a taxing district as a result of the termination of a revenue allocation area of an urban renewal district pursuant to section 50-2909(4), Idaho Code, shall not be subject to such limitation.

(iii) Following the first year in which a fire protection district has annexed city property pursuant to section 31-1429, Idaho Code, the city shall subtract an amount equal to the moneys spent on fire protection services during the last full year the city provided fire protection services to its residents from its budget limitation under this section.

(b) If the taxing district has not imposed a levy for three (3) or more years, the highest dollar amount of property taxes certified for its annual budget for the purpose of paragraph (a) (i) of this subsection shall be 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 may be substituted for the amount in paragraph (a) of this subsection if the taxing district is newly created, except as may be provided in paragraph (i) of this subsection.

(d) This section does not apply to school district levies imposed in section 33-802, Idaho Code.

(e) (i) 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, any or all 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, except as provided in subparagraph (iii) of this paragraph.

(ii) If the forgone increase is budgeted for the purpose of maintenance and operations, the rate of recovering the reserved forgone moneys may increase the taxing district's budget by no more than one percent (1%) per year. Provided, however, this cap shall not apply to a taxing district that budgets its reserved forgone moneys for the purpose of maintenance and operations as long as it does not budget, or reserve as forgone, any portion of the three percent (3%) increase otherwise allowed and does not budget any new construction or annexation increases.

(iii) If the forgone increase is budgeted for a capital project or projects, the rate of recovering the reserved forgone moneys may not exceed three percent (3%) of the taxing district's budget for the year in which the forgone increase is budgeted. Forgone moneys budgeted for a capital project must be deducted from the taxing district's forgone balance in the year in which it is budgeted. Upon completion of such a capital project, the taxing district shall certify such completion to the state tax commission and county clerk. If, upon certification, the state tax commission finds that the taxing district included forgone moneys for a capital project in calculating the increase permitted under paragraph (a) of this subsection, the state tax commission shall direct the taxing district to reduce its property tax budget for any year in which the forgone moneys were used to calculate a budget increase, in an amount equal to the forgone moneys budgeted plus any increases attributed to the forgone moneys improperly included in the taxing district's property tax budget. For the purpose of this paragraph, a capital project includes:

1. The construction, expansion, renovation, or replacement of public facilities, including the acquisition of land and other site improvements;
2. The construction, expansion, or reconstruction of public works improvements, including roads, bridges, water systems, sewer systems, and broadband systems; and
3. The purchase of equipment with a useful life of ten (10) years or more.

(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 reserve the right to recover all or any portion of that year's forgone increase in a subsequent year by adoption of a resolution specifying the dollar amount of property taxes being reserved. Otherwise, that year's forgone increase may not be recovered under paragraph (e) of this subsection. The district must provide notice of its intent to do so and hold a public hearing, which may be in conjunction with its annual budget hearing if applicable. The resolution to reserve 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.

(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.

(h) 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.

(i) 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.

(j) This section does not apply to cooperative service agency levies imposed in sections 33-317 and 33-317A, Idaho Code.

(k) 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 for the payment of judicially confirmed obligations pursuant to sections 63-1315 and 63-1316, Idaho Code, and 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. The amount of property tax revenues to finance an annual budget does not include any property taxes that were collected and refunded on property that is exempt from taxation, pursuant to section 63-1305C, Idaho Code.



(5) The amount of property tax revenues to finance an annual budget shall include moneys received as recovery of property tax for a revoked provisional property tax exemption under section 63-1305C, Idaho Code.

(6) For tax year 2023, before calculating the amount required in subsection (1) (a) (i) of this section, the board of county commissioners shall reduce the approved property tax levy portion of its budget for the immediate prior three (3) years in an amount equal to the amount levied for indigent public defense. The reduced budget amount shall be the base budget for the purpose of subsection (1) (a) (i) of this section.

SECTION 55. That Chapter 8, 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 19-847, Idaho Code, and to read as follows:

19-847. INDIGENT PUBLIC DEFENSE -- FINANCIAL OBLIGATIONS. Notwithstanding any provision of law to the contrary, on and after October 1, 2024:

(1) All counties are released from any further financial obligation to provide indigent public defense. On and after such date, the state assumes the full financial obligation to provide indigent public defense pursuant to the sixth amendment of the United States constitution and section 13, article I of the constitution of the state of Idaho; and

(2) All administrative rules promulgated by the state public defense commission shall be repealed in accordance with the provisions of chapter 52, title 67, Idaho Code.

SECTION 56. That Section 19-858, Idaho Code, be, and the same is hereby amended to read as follows:

19-858. ~~REIMBURSEMENT TO COUNTY~~ -- WHEN AUTHORIZED. (1) ~~The prosecuting attorney of each county attorney general~~ may, on behalf of the county state, recover payment or reimbursement, as the case may be, from each person who has received legal assistance or another benefit under this ~~act~~ chapter:

(a) To which he was not entitled;

(b) With respect to which he was not an indigent person when he received it; or

(c) With respect to which he has failed to make the certification required under section 19-854, Idaho Code, and for which he refuses to pay or reimburse. Suit must be brought within five (5) years after the date on which the aid was received.

(2) ~~The prosecuting attorney of each county attorney general~~ may, on behalf of the county state, recover payment or reimbursement, as the case may be, from each person other than a person covered under subsection (1) of this section who has received legal assistance under this ~~act~~ chapter and who, on the date on which suit is brought, is financially able to pay or reimburse the county for it without manifest hardship according to the standards of ability to pay applicable under sections 19-851, 19-852 and 19-854, Idaho Code, but refuses to do so. Suit must be brought within three (3) years after the date on which the benefit was received.

(3) Amounts recovered under this section shall be paid into the county general state public defense fund pursuant to section 57-827, Idaho Code.

SECTION 57. That Section 19-863A, Idaho Code, be, and the same is hereby amended to read as follows:

19-863A. CAPITAL CRIMES DEFENSE FUND AUTHORIZED. (1) The establishment of a capital crimes defense fund by the counties of the state for purposes of funding the costs of criminal defense in cases where the penalty of death is a legal possibility is hereby authorized. The fund shall be organized and operated in accordance with a joint powers agreement, as authorized by chapter 23, title 67, Idaho Code, executed by the participating counties. Membership in the fund shall be voluntary, as determined by resolution of the board of county commissioners of the respective counties of the state.

(2) The fund may be comprised of contributions from participating counties and any court fees or other funds designated or appropriated for deposit in the fund by the legislature.

(3) The fund shall be operated and administered by a board of representatives to be selected as provided in the joint powers agreement. If moneys are appropriated to the fund by the legislature, the governor shall appoint a representative of the executive branch of state government to serve as a voting member of the governing board, and if court fees are designated for deposit in the fund, the Idaho supreme court shall appoint a representative of the judicial branch of state government to serve as a voting member of the board.

(4) The governing board of the fund shall have full authority to employ personnel and contract for personal and professional services as necessary and may take all other steps necessary or proper to determine the manner in which the fund shall be utilized to assist participating counties in meeting defense costs associated with representation of indigent defendants charged with crimes for which the penalty of death is a legal possibility.

(5) The services of the state appellate public defender as provided in chapter 59, title 19, Idaho Code, shall be available only to those counties participating in the fund. Beginning October 1, 2022, the state appellate public defender assumes all responsibility for providing representation for indigent defendants in the cases described in section 19-5905, Idaho Code; provided, however, that all counties participating in the capital crimes defense fund on January 1, 2022, shall be required to continue participation until October 1, 2024. At an appropriate time after October 1, 2024, participating counties are authorized to dissolve the fund.

SECTION 58. That Chapter 8, Title 57, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 57-827, Idaho Code, and to read as follows:

57-827. STATE PUBLIC DEFENSE FUND. (1) There is hereby established in the state treasury the state public defense fund to be managed by the state treasurer. Moneys in the fund shall consist of:

- (a) Moneys transferred to the fund pursuant to section 63-3638(10), Idaho Code;
- (b) Legislative appropriations to the fund;
- (c) On and after October 1, 2024, any fees or reimbursement ordered pursuant to section 19-854(7) and 19-858, Idaho Code, or distributed pursuant to section 31-3201I(16), Idaho Code;
- (d) Any bequests or donations to the fund; and
- (e) Interest earned on idle moneys in the fund.

(2) Moneys in the fund shall be used as determined by legislative appropriation to fulfill the state's obligation to provide indigent public defense pursuant to the sixth amendment of the United States constitution and section 13, article I of the constitution of the state of Idaho.

SECTION 59. That Section 31-3607, Idaho Code, be, and the same is hereby amended to read as follows:

31-3607. DUTIES OF BOARD. (a) Fiscal Affairs. -- The county hospital board shall be charged with the care, custody, upkeep, management and operation of all property belonging to the county and devoted to the purposes provided in sections 31-3501 and ~~31-3503~~, Idaho Code, and shall be responsible for all moneys received by it, including all revenues from the operation of such property, all moneys received by tax levies for operation of such property, and all moneys received from whatever source, by contribution or otherwise, for such purposes: Provided, that if any contribution of money or property be offered to the hospital board of the county for use for a specific purpose the hospital board may, if it deems it for the best interest of the hospital or other facility or property under its management, accept such contribution and use such contribution for such purpose.

(b) Funds -- Custody and Disbursement. -- The hospital board shall safely keep or cause to be kept all moneys coming into the care, custody or possession of the board in strict compliance with the public depository law of this state, and shall pay out such money for valid bills and obligations of the hospital, and shall keep or cause to be kept proper records in its minutes of all its proceedings and all business transactions and proper accounts of all moneys received by it, expended and on hand. The minutes of the board shall be open to inspection by any taxpayer or elector of the county during all regular office hours.

(c) Reports. -- The county hospital board shall report to the board of county commissioners within thirty (30) days after the acceptance of the annual hospital audit after the close of the fiscal year and shall annually publish in one (1) issue of a newspaper having general circulation in the county a financial statement reflecting the financial operations of the hospital, together with such other information as the board of county commissioners may deem necessary for the information of the people of the county. The county hospital board shall also prepare in its regular course of business unaudited monthly financial reports reflecting the financial operations of the hospital. The county hospital board shall provide a copy of those monthly reports to the member of the board of commissioners serving as an ex officio member of the county hospital board.

(d) Limitations. -- The county hospital board subject to the budgetary limitations herein contained may acquire or build other property for the purposes provided in sections 31-3501 and ~~31-3503~~, Idaho Code, or improve, remodel, enlarge, reduce, or dispose of property being used for such purposes. The county hospital board shall not have power to create any indebtedness in excess of the amount of its annual budget as approved by the board of county commissioners: Provided, that if the county hospital board be formed after the time fixed by law for adoption of the budget, it may then formulate and submit to the board of county commissioners a budget for the rest of the current year, which budget, however, shall not provide for expenditure or creation of indebtedness in an amount greater than the estimated income for that year, together with any receipts from taxes specially levied for hospital purposes in such year.

SECTION 60. That Section 39-424A, Idaho Code, be, and the same is hereby amended to read as follows:

39-424A. ADDITIONAL COUNTY AID TO DISTRICTS -- PROCEDURES. (1) Beginning on January 1, 2022, and each year thereafter, the various boards of county commissioners shall be responsible for providing additional annual aid to the public health districts. The amount of such additional county aid shall not be less than the amount appropriated to the various public health districts by the legislature for state fiscal year 2021.

(2) The manner of apportioning the additional aid from the various counties shall be calculated pursuant to section 39-424, Idaho Code, unless an alternative manner of apportioning the additional aid is agreed to by the budget committees of the various public health districts.

(3) ~~Notwithstanding the provisions of section 31-863, Idaho Code, a~~ A county may use any fund balance accruing pursuant to chapter 35, title 31, Idaho Code, to fund the annual aid provided for in this section.

SECTION 61. That Section 67-7903, Idaho Code, be, and the same is hereby amended to read as follows:

67-7903. VERIFICATION OF LAWFUL PRESENCE -- EXCEPTIONS -- REPORTING. (1) Except as otherwise provided in subsection (3) of this section or where exempted by federal law, each agency or political subdivision of this state shall verify the lawful presence in the United States of each natural person eighteen (18) years of age or older who applies for state or local public benefits or for federal public benefits for the applicant.

(2) This section shall be enforced without regard to race, religion, gender, ethnicity or national origin.

(3) Verification of lawful presence in the United States shall not be required:

(a) For any purpose for which lawful presence in the United States is not required by law, ordinance or rule;

(b) For obtaining health care items and services that are necessary for the treatment of an emergency medical condition of the person involved and are not related to an organ transplant procedure;

(c) For short-term, noncash, in-kind emergency disaster relief;

(d) For public health assistance for immunizations with respect to immunizable diseases and testing and treatment of symptoms of communicable diseases whether or not such symptoms are caused by a communicable disease;

(e) For programs, services or assistance, such as soup kitchens, crisis counseling and intervention and short-term shelter specified by federal law or regulation that:

(i) Deliver in-kind services at the community level, including services through public or private nonprofit agencies;

(ii) Do not condition the provision of assistance, the amount of assistance provided or the cost of assistance provided on the individual recipient's income or resources; and

(iii) Are necessary for the protection of life or public safety;

(f) For prenatal care;

(g) For postnatal care not to exceed twelve (12) months; or

(h) For food assistance for a dependent child under eighteen (18) years of age.

~~Notwithstanding the provisions of this subsection (3), for the county indigent program, the limitations contained in section 31-3502(18)B., Idaho Code, shall apply.~~

(4) An agency or a political subdivision shall verify the lawful presence in the United States of each applicant eighteen (18) years of age or older for federal public benefits or state or local public benefits by:

(a) Employing electronic means to verify an applicant is legally present in the United States; or

(b) Requiring the applicant to provide:

- (i) An Idaho driver's license or an Idaho identification card issued pursuant to section 49-2444, Idaho Code;
- (ii) A valid driver's license or similar document issued for the purpose of identification by another state or territory of the United States, if such license or document contains a photograph of the individual or such other personal identifying information relating to the individual that the director of the department of health and welfare or, with regard to unemployment compensation benefits, the director of the department of labor finds, by rule, sufficient for purposes of this section;
- (iii) A United States military card or a military dependent's identification card;
- (iv) A United States coast guard merchant mariner card;
- (v) A native American tribal document;
- (vi) A copy of an executive office of immigration review, immigration judge or board of immigration appeals decision, granting asylee status;
- (vii) A copy of an executive office of immigration review, immigration judge or board of immigration appeals decision, indicating that the individual may lawfully remain in the United States;
- (viii) Any United States citizenship and immigration service issued document showing refugee or asylee status or that the individual may lawfully remain in the United States;
- (ix) Any department of state or customs and border protection issued document showing the individual has been permitted entry into the United States on the basis of refugee or asylee status, or on any other basis that permits the individual to lawfully enter and remain in the United States; or
- (x) A valid United States passport; and

(c) Requiring the applicant to provide a valid social security number that has been assigned to the applicant; and

(d) Requiring the applicant to attest, under penalty of perjury and on a form designated or established by the agency or the political subdivision, that:

- (i) The applicant is a United States citizen or legal permanent resident; or
- (ii) The applicant is otherwise lawfully present in the United States pursuant to federal law.

(5) Notwithstanding the requirements of subsection (4) (b) of this section, the agency or political subdivision may establish by appropriate legal procedure such rules or regulations to ensure that certain individuals lawfully present in the United States receive authorized benefits including, but not limited to, homeless state citizens.

(6) For an applicant who has attested pursuant to subsection (4) (d) of this section stating that the applicant is an alien lawfully present in the United States, verification of lawful presence for federal public benefits or state or local public benefits shall be made through the federal systematic alien verification of entitlement program, which may be referred to as the "SAVE" program, operated by the United States department of homeland security or a successor program designated by the United States department of homeland security. Until such verification of lawful presence is made, the attestation may be presumed to be proof of lawful presence for purposes of this section.

(a) Errors and significant delays by the SAVE program shall be reported to the United States department of homeland security to ensure that the application of the SAVE program is not wrongfully denying benefits to legal residents of this state.

(b) Agencies or political subdivisions may adopt variations of the requirements of subsection (4) (d) of this section to improve efficiency or reduce delay in the verification process or to provide for adjudication of unique individual circumstances in which the verification procedures in this section would impose unusual hardship on a legal resident of this state; except that the variations shall be no less stringent than the requirements of subsection (4) (d) of this section.

(c) A person who knowingly makes a false, fictitious or fraudulent statement or representation in an attestation executed pursuant to subsection (4) (d) or (6) (b) of this section or who knowingly provides a social security number that has not been assigned to him pursuant to subsection (4) (c) of this section shall be:

- (i) Guilty of a misdemeanor for the first and second offense; and
- (ii) Guilty of a felony for each subsequent offense.

(7) An agency or political subdivision may accept as prima facie evidence of an applicant's lawful presence in the United States the information required in subsection (4) of this section, as may be modified by subsection (5) of this section, when issuing a professional license or a commercial license.

SECTION 62. That Section 57-811, Idaho Code, be, and the same is hereby repealed.

SECTION 63. An emergency existing therefor, which emergency is hereby declared to exist, Sections 5 through 38, 54, 59, and 61 of this act shall be in full force and effect on and after passage and approval; and Sections 1 through 4, 53, 55, 57, 58, and 60 shall be in full force and effect on and after July 1, 2022. Sections 39 through 52 shall be in full force and effect on and after July 1, 2023. Section 62 shall be in full force and effect on and after July 2, 2024. Section 56 shall be in full force and effect on and after October 1, 2024.

Approved March 29, 2022

CHAPTER 319  
(H.B. No. 575)

AN ACT

RELATING TO COUNTY LEASES; AMENDING SECTION 31-1001, IDAHO CODE, TO REVISE PROVISIONS REGARDING LEASES FOR COURTHOUSE PREMISES, ROOMS, AND JAIL AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 31-1001, Idaho Code, be, and the same is hereby amended to read as follows:

31-1001. ERECTION OF BUILDINGS -- FURNISHING OF OFFICES -- CONTRACTS -- LEASE OF PREMISES FOR COURTHOUSE OR JAIL -- BOOKS AND STATIONERY. (1) The board of county commissioners must cause to be erected or furnished, a courthouse, and jail and such other public buildings as may be necessary, and must, when necessary, provide offices with necessary furniture for the sheriff, clerk of the district court and, ex officio auditor and recorder, county treasurer, prosecuting attorney, county assessor, and county surveyor, and must draw warrants in payment of the same: provided, that the

(2) The contract for the erection of any such buildings described in subsection (1) of this section must be let awarded, after thirty (30) days' notice for proposals, to the lowest bidder who will give security for the completion of any the contract. he may make respecting the same; and, provided further, no contracts for the purchase of furniture must be let under the provisions of this section when the expenses thereunder will exceed one thousand dollars (\$1,000). And, provided further, that no part of the provisions of this section shall be construed to prevent the

(3) A board of county commissioners, from entering may enter into a lease for courthouse premises, rooms, and jail for any period in their discretion, up to five (5) years. The board of county commissioners may enter into such a lease for a period not to exceed thirty (30) years, and provided that the if the question has been approved by a simple majority of the electors voting at an election held pursuant to section 34-106, Idaho Code. The county commissioners may contract with responsible parties for the leasing of a courthouse, or jail and hospital, or a combination of courthouse, and jail and hospital, or fairground buildings and facilities, to be constructed upon premises owned by the county or otherwise, provided that said. Said contract shall be let awarded subject to the provisions of chapter 28, title 67, Idaho Code; the. Such a contract also may provide that, at the expiration of the term of the lease, and upon full performance of such lease by the county, the said courthouse premises, rooms, and jail, fairground buildings and facilities, or so much thereof as is leased, may become the property of the county.

(4) The board must also provide all necessary books of record for the county auditor and recorder, county treasurer, county assessor, and tax collector, clerk of the district court, and county surveyor, and; the books and stationery for the use of the board; and so much as is necessary for the use of said county officers in the transaction of official business.

(5) Nothing herein in this section shall be construed as limiting or otherwise affecting a lease or other transaction between the Idaho health facilities authority and the board of county commissioners as provided in section 31-836, 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 January 1, 2023.

Approved March 30, 2022

CHAPTER 320  
(H.B. No. 807)

AN ACT

RELATING TO APPROPRIATIONS FOR FISCAL YEAR 2023; APPROPRIATING ADDITIONAL MONEYS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF ADMINISTRATORS FOR FISCAL YEAR 2023; APPROPRIATING ADDITIONAL MONEYS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF OPERATIONS FOR FISCAL YEAR 2023; APPROPRIATING GENERAL FUND MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND FOR FISCAL YEAR 2023; CLARIFYING THE ORIGINAL FUND SOURCE FOR EXPENDITURES TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM FOR FISCAL YEAR 2023; APPROPRIATING ADDITIONAL MONEYS TO THE LEGISLATURE FOR FISCAL YEAR 2023; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the Public Schools Educational Support Program for the Division of Administrators \$3,000,000 from the Public School Income Fund for the period July 1, 2022, through June 30, 2023.

SECTION 2. In addition to any other appropriation provided by law, there is hereby appropriated to the Public Schools Educational Support Program for the Division of Operations \$20,500,000 from the Public School Income Fund for the period July 1, 2022, through June 30, 2023.

SECTION 3. There is hereby appropriated and the Office of the State Controller shall transfer \$23,500,000 from the General Fund to the Public School Income Fund on July 1, 2022, or as soon thereafter as practicable for the period July 1, 2022, through June 30, 2023.

SECTION 4. Of the additional amounts appropriated in Sections 1 and 2 of this act for the Public School Support Program, \$23,500,000 shall be considered expended from the General Fund for the period July 1, 2022, through June 30, 2023.

SECTION 5. In addition to any other appropriation provided by law, there is hereby appropriated to the Legislature \$100,000 from the General Fund to be expended for operating expenditures for the period July 1, 2022, through June 30, 2023, for the purpose of establishing an interim committee to review the public school funding formula as provided for in House Bill No. 723, as enacted by the Second Regular Session of the Sixty-sixth Idaho Legislature.

SECTION 6. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 30, 2022



CHAPTER 321  
(H.B. No. 827)

AN ACT

RELATING TO THE APPROPRIATION TO THE IDAHO COMMISSION FOR LIBRARIES; APPROPRIATING MONEYS TO THE IDAHO COMMISSION FOR LIBRARIES FOR FISCAL YEAR 2023; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING REAPPROPRIATION AUTHORITY; REAFFIRMING STATUTORY COMPLIANCE REGARDING OBSCENE MATERIAL; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. There is hereby appropriated to the Idaho Commission for Libraries the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2022, through June 30, 2023:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
General					
Fund	\$2,277,100	\$1,738,100		\$452,600	\$4,467,800
Miscellaneous Revenue					
Fund		55,000	\$5,000	10,000	70,000
American Rescue Plan					
Fund	25,000	73,000			98,000
Federal Grant					
Fund	<u>785,800</u>	<u>2,200,000</u>	<u>25,000</u>	<u>60,000</u>	<u>3,070,800</u>
TOTAL	\$3,087,900	\$4,066,100	\$30,000	\$522,600	\$7,706,600

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Idaho Commission for Libraries is authorized no more than thirty-seven and five-tenths (37.50) full-time equivalent positions at any point during the period July 1, 2022, through June 30, 2023, 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 Idaho Commission for Libraries any unexpended and unencumbered balances appropriated to the Idaho Commission for Libraries from the American Rescue Plan Fund for fiscal year 2022, in an amount not to exceed \$2,300,000, to be used for nonrecurring expenditures for the period July 1, 2022, through June 30, 2023. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 4. OBSCENE MATERIAL. The Idaho Commission for Libraries shall, to the maximum extent possible with available staffing and resources: (1) Verify that the Commission's library resources for K-12 students comply with Sections 33-137 and 33-2508, Idaho Code; (2) Incorporate references to relevant statutes regarding obscene material in the Commission's Electronic Resources Collection Development Policy; and (3) Provide a written report to the Joint Finance-Appropriations Committee no later than September 1, 2022, detailing progress in complying with this section and any associated internal audits.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 31, 2022

CHAPTER 322  
(H.B. No. 720)

AN ACT

RELATING TO PERSONHOOD; AMENDING CHAPTER 3, TITLE 5, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 5-346, IDAHO CODE, TO PROVIDE THAT ENVIRONMENTAL ELEMENTS, ARTIFICIAL INTELLIGENCE, NONHUMAN ANIMALS, AND INANIMATE OBJECTS SHALL NOT BE GRANTED PERSONHOOD; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 3, Title 5, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 5-346, Idaho Code, and to read as follows:

5-346. PERSONHOOD STATUS. Notwithstanding any other provisions of law, environmental elements, artificial intelligence, nonhuman animals, and inanimate objects shall not be granted personhood in the state of Idaho. Nothing in this section revokes the status of legal person in or of any municipality, organization, corporation, or other legal or business entity recognized by the laws of the state of Idaho as such prior to July 1, 2022.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 31, 2022

CHAPTER 323  
(H.B. No. 703)

AN ACT

RELATING TO THE HOMEOWNER'S ASSOCIATION ACT; REPEALING SECTION 45-810, IDAHO CODE, RELATING TO HOMEOWNER'S ASSOCIATION LIENS; REPEALING SECTION 55-115, IDAHO CODE, RELATING TO PROHIBITED CONDUCT BY HOMEOWNER'S ASSOCIATIONS; REPEALING SECTION 55-116, IDAHO CODE, RELATING TO HOMEOWNER'S ASSOCIATIONS; AMENDING TITLE 55, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 32, TITLE 55, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE LEGISLATIVE INTENT, TO DEFINE TERMS, TO PROVIDE FOR THE ADMINISTRATION OF AN INCORPORATED OR UNINCORPORATED HOMEOWNER'S ASSOCIATION, TO PROVIDE FOR DISCLOSURE OF FEES AND FINANCIAL DISCLOSURES BY A HOMEOWNER'S ASSOCIATION, TO PROVIDE FOR VIOLATIONS, DUE PROCESS AND NOTICE, LIMITATIONS ON FINES, AND ATTORNEY'S FEES, TO PROVIDE FOR HOMEOWNER'S ASSOCIATION LIENS, TO ESTABLISH PROVISIONS REGARDING SOLAR PANELS, TO ESTABLISH PROVISIONS REGARDING POLITICAL SIGNS, TO ESTABLISH PROVISIONS REGARDING FLAGS, AND TO PROHIBIT CERTAIN CONDUCT REGARDING RENTAL RESTRICTIONS; AMENDING SECTION 42-1311, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 45-810, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Section 55-115, Idaho Code, be, and the same is hereby repealed.

SECTION 3. That Section 55-116, Idaho Code, be, and the same is hereby repealed.

SECTION 4. That Title 55, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 32, Title 55, Idaho Code, and to read as follows:

CHAPTER 32  
HOMEOWNER'S ASSOCIATION ACT

55-3201. **SHORT TITLE.** This chapter shall be known and may be cited as the "Homeowner's Association Act."

55-3202. **LEGISLATIVE INTENT.** An increasing number of Idahoans reside within homeowner's associations. To protect the rights of current and subsequent property owners within a homeowner's association, it is the intent of the legislature to ensure the transparent operation and inclusive management of these associations, balancing the rights of all owners within homeowner's associations to promote harmony and respect for community standards and to protect the rights of individuals and neighbors in the community.

55-3203. **DEFINITIONS.** As used in this chapter:

(1) "Board" means the entity that has the duty of governing the homeowner's association and may be referred to as a board of directors, executive board, or any other such similar name.

(2) "Financial disclosure" means the accounting records of the organization that are kept, disclosed, and made available for inspection in accordance with part 11, chapter 30, title 30, Idaho Code, and the governing documents of the homeowner's association.

(3) "Governing documents" means a written instrument by which the homeowner's association may exercise powers or manage, maintain, or otherwise affect the property under the jurisdiction of the homeowner's association. "Governing documents" includes but is not limited to articles of incorporation, bylaws, a plat, rules of the homeowner's association, and any declaration of covenants, conditions, and restrictions.

(4) "Homeowner's association" means any incorporated or unincorporated association:

(a) In which membership is based upon owning or possessing an interest in real property; and

(b) That has the authority, pursuant to recorded covenants, bylaws, or other governing documents, to assess and record liens against the real property of its members.

(5) "Member" or "membership" means any person or entity owning or possessing an interest in residential real property or a lot within the physical boundaries of an established homeowner's association.

55-3204. ADMINISTRATION OF AN INCORPORATED OR UNINCORPORATED HOMEOWNER'S ASSOCIATION. (1) Board meetings must be open to the members of the homeowner's association and any representative or agent designated in a signed writing by a member to represent the member.

(2) An executive session at which members of the homeowner's association are excluded may be held upon a majority vote of the board for the following purposes:

(a) To consider matters of personnel, hiring, bid review, or contract negotiation;

(b) To consider records that are not subject to disclosure under part 11, chapter 30, title 30, Idaho Code;

(c) To consult with an attorney for the purpose of obtaining legal advice. The mere presence of legal counsel at a board meeting shall not justify entering into executive session;

(d) To discuss ongoing or potential litigation, mediation, arbitration, or administrative proceedings; or

(e) To discuss sensitive matters related to an individual member's property or assessments, such as violations or delinquent assessments.

(3) All homeowner's associations, whether incorporated or unincorporated, shall:

(a) Hold a meeting of the membership each calendar year. Such meeting may be conducted in person or, with the approval of a simple majority of the members, be conducted through an electronic or hybrid meeting model;

(b) Be governed by the provisions of sections 30-30-501 and 30-30-505, Idaho Code, as those provisions relate to notice of meetings of the homeowner's association. The board may adopt a process for members to choose to receive notice of any meeting of the homeowner's association by electronic means rather than by mail. All dates and information of the notice must remain the same as a mail notice;

(c) Take minutes from all meetings of the homeowner's association, including membership meetings and board meetings, and preserve such minutes for a minimum of ten (10) years; and

(d) Determine and establish the amount of assessments in accordance with the governing documents or, in the event the governing documents do not include such language, with the approval of a majority of the members of the homeowner's association.

(4) A board of a homeowner's association may not use its power to adopt rules governing the common property to expand the provisions of the restrictive covenants as they relate to a member's property.

(5) All homeowner's associations, whether incorporated or unincorporated, shall be governed by sections 30-30-502 and 30-30-608, Idaho Code, as those sections relate to the removal of a board member and the process of calling a special meeting for such removal.

(6) Unincorporated homeowner's associations shall be governed by by-laws that provide for at least the following:

(a) A requirement that the homeowner's association holds at least one (1) meeting each calendar year;

(b) A requirement that notice of any meeting of the homeowner's association be published and distributed to all members of the homeowner's association;

(c) A requirement that the minutes of all homeowner's association meetings be taken and preserved;

(d) A method of adopting and amending fees; and

(e) A provision that no fees or assessments of the homeowner's association may be increased unless a majority of all members of the homeowner's association vote in favor of the increase.

(7) If a homeowner's association violates any of the provisions of this chapter and a member prevails in a legal action to protect his rights, the member shall be entitled to an award of reasonable attorney's fees.

55-3205. DISCLOSURE OF FEES AND FINANCIAL DISCLOSURES. (1) A homeowner's association or its agent must provide a member and the member's agent, if any, a statement of the member's account no more than five (5) business days after a request by the member or the member's agent is received by the manager, president, board member, or other agent of the homeowner's association, or any combination thereof. The statement of account must include, at a minimum, the amount of annual charges against the property, the date when said amounts are due, and any unpaid assessments or other charges due and owing from such member at the time of the request. The homeowner's association will be bound by the amounts set forth within the statement of account.

(2) On or before January 1 of each year, a homeowner's association or its agent must provide its members a disclosure of fees that will be charged to a member in connection with any transfer of ownership of his property. Fees imposed by a homeowner's association for the calendar year following the disclosure of fees may not exceed the amount set forth on the annual disclosure, and no surcharge or additional fees may be charged to any member in connection with any transfer of ownership of his property. No fees may be charged for expeditiously providing a member's statement of account as set forth in this section.

(3) A homeowner's association or its agent must provide a member and the member's agent, if any, an up-to-date financial disclosure no more than ten (10) business days after a request by the member or the member's agent is received by the manager, president, board member, or other agent of the homeowner's association, or any combination thereof.

(4) Within sixty (60) days of the close of the fiscal year, a homeowner's association or its agent must provide all members of the organization, and the member's agent, if any, with an up-to-date and reconciled financial disclosure for the fiscal year.

55-3206. VIOLATIONS -- DUE PROCESS AND NOTICE -- LIMITATION ON FINES -- ATTORNEY'S FEES. (1) No fine may be imposed for a violation of the covenants and restrictions pursuant to the rules or regulations of a homeowner's association unless the authority to impose a fine is clearly set forth in the covenants and restrictions. A majority vote by the board is required before any fine may be imposed on a member for a violation of any covenants and restrictions pursuant to the rules and regulations of the homeowner's association. Written notice must be provided to the member at least thirty (30) days prior to a meeting at which a vote to impose a fine on the member is to be held. Service of the notice must be by personal service or certified mail.

(2) In the event the member begins resolving the violation prior to a meeting held pursuant to subsection (1) of this section, no fine may be imposed as long as the member continues to address the violation in good faith until fully resolved.

(3) No portion of any fine may be used to increase the remuneration of any board member or agent of the board.

(4) Except as may otherwise be provided in this subsection, nothing in this section is intended to affect any statute, rule, covenant, bylaw, provision, or clause that may allow for the recovery of attorney's fees. Attorney's fees and costs may not accrue or be assessed or collected by the homeowner's association until the homeowner's association has complied with the requirements of this section and the member has failed to address the violation as set forth in subsection (2) 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.

55-3207. HOMEOWNER'S ASSOCIATION LIENS. (1) A homeowner's association may levy an assessment against a lot for the reasonable costs incurred in the maintenance of common areas consisting of real property owned and maintained by the homeowner's association.

(2) (a) A homeowner's association claiming a lien under subsection (1) of this section must file a claim in the county in which the lot or some part thereof is located. The claim must contain:

- (i) A true statement of the amount due for the unpaid assessments after deducting all just credits and offsets;
- (ii) The name of the lot owner, or reputed owner, if known;
- (iii) The name of the homeowner's association; and
- (iv) A description, sufficient for identification, of the property to be charged with the lien.

(b) When a claim has been filed and recorded pursuant to this section and the owner of the lot subject to the claim thereafter fails to pay any assessment chargeable to such lot, then as long as the original or any subsequent unpaid assessment remains unpaid, such claim shall automatically accumulate the subsequent unpaid assessments without the necessity of further filings under this section.

(c) The claim must be verified by the oath of an individual having knowledge of the facts and must be recorded by the county recorder. The record will be indexed as other liens are required by law to be indexed.

(d) Within five (5) business days after recording a lien on the property, the homeowner's association shall serve, by personal delivery to the owner or reputed owner or by certified mail to the last known address of the owner or reputed owner, a true and correct copy of the recorded lien.

(3) The lien may be enforced by the board acting on behalf of the homeowner's association.

(4) This section does not prohibit a homeowner's association from pursuing an action to recover sums for which subsection (1) of this section creates a lien or from taking a deed in lieu of foreclosure in satisfaction of the lien.

(5) An action to recover a money judgment for unpaid assessments may be maintained without foreclosing or waiving the lien securing the claim for unpaid assessments. However, recovery on the action operates to satisfy the lien, or the portion thereof, for which recovery is made.

55-3208. SOLAR PANELS. (1) No homeowner's association may add, amend, or enforce any covenant, condition, or restriction in such a way that prohibits the installation of solar panels or solar collectors on the rooftop of any property or structure within the jurisdiction of the homeowner's association. A homeowner's association may, however, determine the specific location where solar panels or solar collectors may be installed on the roof as long as installation is permitted with an orientation to the south or within forty-five (45) degrees east or west of due south.

(2) A homeowner's association may adopt reasonable rules for the installation of solar panels or solar collectors consistent with an applicable building code or to require that panels or collectors be parallel to a roofline, conform to the slope of a roof, and that any frame, support bracket, or visible piping or wiring be painted to coordinate with the roofing material. The provisions of this subsection shall apply only to rooftops that are owned, controlled, and maintained by the homeowner.

55-3209. POLITICAL SIGNS. (1) Except as otherwise provided in this section, no homeowner's association may add, amend, or enforce any covenant, condition, or restriction in such a way that prohibits or has the effect of prohibiting the display of a political sign.

(2) A homeowner's association may adopt reasonable rules, subject to any applicable laws or ordinances, regarding the time, size, place, number, and manner of display of political signs.

(3) A homeowner's association may remove a political sign without liability if the sign:

(a) Is placed within the common areas, including limited common areas, other property or improvements owned or maintained by the homeowner's association, or property owned in common by the members of the homeowner's association;

(b) Threatens the public health or safety;

(c) Violates an applicable law or ordinance; or

(d) Is accompanied by sound or music or if any other materials are attached to the political sign.

(4) Except as provided in subsection (3) of this section, a homeowner's association shall not remove a political sign from the property of a member or impose any fine or penalty upon the member unless it has first provided the member three (3) days' written notice that specifically identifies the rule and the nature of the violation.

(5) For the purpose of this chapter, "political sign" means any fixed, ground-mounted display in support of or in opposition to a candidate for office or a ballot measure.

55-3210. FLAGS. (1) No homeowner's association may add, amend, or enforce any covenant, condition, or restriction in such a way that prohibits or has the effect of prohibiting the display of:

- (a) The flag of the United States of America;
- (b) The flag of the state of Idaho;
- (c) The POW/MIA flag; or
- (d) An official or replica flag of any branch of the United States armed forces.

(2) A homeowner's association may adopt reasonable rules, subject to applicable laws or ordinances:

(a) That require:

(i) The flag of the United States of America and the flag of the state of Idaho to be displayed in accordance with 4 U.S.C. 5 et seq.;

(ii) A flagpole attached to a dwelling or a freestanding flagpole to be constructed of permanent, long-lasting materials with a finish appropriate to the materials used in the construction of the flagpole and harmonious to the dwelling;

(iii) The display of a flag, or the location and construction of the supporting flagpole, to comply with applicable zoning ordinances, easements, and setbacks of record; and

(iv) That a displayed flag and the flagpole on which it is flown be maintained in good condition and that any deteriorated flag or deteriorated or structurally unsafe flagpole be repaired, replaced, or removed;

(b) That regulate the size, number, and location of flagpoles on which flags are displayed, except that the regulation may not prevent the installation or erection of at least one (1) flagpole per property that:

(i) Is not more than twenty (20) feet in height and, subject to applicable zoning ordinances, easements, and setbacks of record, is located in the front yard of the property; or

(ii) Is attached to any portion of a residential structure owned by the member and not maintained by the homeowner's association;

(c) That govern the size of a displayed flag;

(d) That regulate the size, location, and intensity of any lights used to illuminate a displayed flag;

(e) That impose reasonable restrictions to abate noise caused by an external halyard of a flagpole; or

(f) That prohibit a member from locating a displayed flag or flagpole on property that is:

(i) A common area, including a limited common area;

(ii) Owned or maintained by the homeowner's association; or

(iii) Owned in common by the members of the association.

(3) A member who has a front yard and who otherwise complies with any permitted homeowner's association regulation may elect to install a flagpole in accordance with subsection (2) (b) of this section.

(4) A homeowner's association may not remove a flag permitted by subsection (1) of this section from the property of a member or impose any fine or penalty upon the member unless it has first provided the member three (3) days' written notice that specifically identifies the rule and the nature of the violation.



55-3211. PROHIBITED CONDUCT -- RENTAL RESTRICTIONS. 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 as long as that covenant, condition, or restriction applied to the property at the time the homeowner acquired his interest in the property.

SECTION 5. That Section 42-1311, Idaho Code, be, and the same is hereby amended to read as follows:

42-1311. AMOUNT AND LIEN OF ASSESSMENTS. The amount assessed against each water user, together with any penalties and interest, shall be a lien upon the water user's land that is entitled to receive water from the point or points of delivery in the canal or reservoir, or from the point or points of diversion from waters of the state, that supplies the association's lateral or ditch. The lien shall be recorded and collected in accordance with ~~subsections (2) through (5) of section 45-810~~ section 55-3207, Idaho Code, governing homeowner's association liens, except that the lien may be continued in force for a period of time not to exceed three (3) years and may be extended not to exceed three (3) additional years. The lien provided for in this section shall have priority according to its date of recordation, except as to other liens described in titles 42 and 43, Idaho Code.

SECTION 6. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 31, 2022

#### CHAPTER 324

(H.B. No. 616, As Amended in the Senate)

#### AN ACT

RELATING TO CORPORATE FILINGS; AMENDING SECTION 30-30-105, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING FILINGS BY CERTAIN PRIVATE FOUNDATIONS AND CHARITABLE TRUSTS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 30-30-105, Idaho Code, be, and the same is hereby amended to read as follows:

30-30-105. PRIVATE FOUNDATION. (1) Except where otherwise determined by a court of competent jurisdiction, a corporation that is a private foundation as defined in section 509(a) of the Internal Revenue Code of 1986, as amended:

(1a) Shall distribute such amounts for each taxable year at such time and in such manner as not to subject the corporation to tax under section 4942 of the code.

(2b) Shall not engage in any act of self-dealing as defined in section 4941(d) of the code.

(3c) Shall not retain any excess business holdings as defined in section 4943(c) of the code.

(4d) Shall not make any taxable expenditures as defined in section 4944 of the code.

(5e) Shall not make any taxable expenditures as defined in section 4945(d) of the code.

(6f) Shall be authorized to terminate its status as a private foundation in a manner described in section 507(b)(1) of the Internal Revenue Code.

(2) All references in this section to sections of the code shall be to such sections of the Internal Revenue Code of 1986, as amended from time to time, or to corresponding provisions of subsequent internal revenue laws of the United States.

(3) A private foundation described in subsection (1) of this section, or a charitable trust governed by the provisions of chapter 12, title 68, Idaho Code, shall not be required to report any information that may otherwise be required by law unless such report is required by the provisions of this chapter.

(4) This section shall not be interpreted to limit or restrict the functions, powers, and duties granted to the attorney general to investigate violations of state law or enforce provisions of state law.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 31, 2022

CHAPTER 325  
(H.B. No. 800)

AN ACT

RELATING TO THE APPROPRIATION TO THE SUPREME COURT FOR FISCAL YEAR 2023; APPROPRIATING ADDITIONAL MONEYS TO THE SUPREME COURT FOR FISCAL YEAR 2023; EXEMPTING THE APPROPRIATION FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the Supreme Court the following amounts to be expended according to the designated programs for personnel costs from the General Fund for the period July 1, 2022, through June 30, 2023, for the purpose of judicial salaries:

FOR:

Supreme Court	\$26,800
Court of Appeals	33,600
District Courts	234,400
Magistrate Division	<u>817,800</u>
TOTAL	\$1,112,600

SECTION 2. EXEMPTIONS FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS. For fiscal year 2023, 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, 2022, through June 30, 2023. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 31, 2022

CHAPTER 326  
(H.B. No. 747)

AN ACT

RELATING TO STATE ELECTIVE OFFICERS; AMENDING SECTION 59-501, IDAHO CODE, TO REVISE PROVISIONS REGARDING SALARIES OF STATE ELECTIVE OFFICERS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 59-501, Idaho Code, be, and the same is hereby amended to read as follows:

59-501. SALARIES OF STATE ELECTIVE OFFICERS -- REGULAR PAYMENT -- TRAVELING EXPENSES -- FEES PROPERTY OF STATE. (1) ~~Commencing on the first Monday in January 2018, until the first Monday in January 2019, the governor shall receive for his services compensation of \$126,302 per annum; and each officer named in this subsection shall receive the following compensation for their services:~~

~~Lieutenant governor, thirty-five percent (35%) of the governor's compensation as provided for in this subsection, per annum;~~

~~Secretary of state, eighty-five percent (85%) of the governor's compensation as provided for in this subsection, per annum;~~

~~State controller, eighty-five percent (85%) of the governor's compensation as provided for in this subsection, per annum; said compensation to be audited by the legislative council;~~

~~State treasurer, eighty-five percent (85%) of the governor's compensation as provided for in this subsection, per annum; and~~

~~State superintendent of public instruction, eighty-five percent (85%) of the governor's compensation as provided for in this subsection, per annum.~~

~~(2) Until the first Monday of January 2019, the attorney general's salary shall match that of a district judge as provided in section 59-502, Idaho Code.~~

~~(3) The elected officers named in this subsection shall receive the following compensation for their services:~~

~~(a) Commencing on the first Monday in January 2019<sup>23</sup>, until the first Monday in January 2023<sup>7</sup>, the governor shall receive compensation of \$138,302 one hundred fifty-one thousand four hundred dollars (\$151,400) per annum;~~

~~(b) The lieutenant governor shall receive thirty-five percent (35%) of the governor's compensation per annum, as provided in this subsection;~~

(c) The secretary of state, state treasurer, and state superintendent of public instruction shall each receive eighty-five percent (85%) of the governor's compensation per annum, ~~as provided in this subsection;~~

(d) Commencing on the first Monday in January 2019~~23~~, until the first Monday in January 2023~~7~~, the attorney general shall receive compensation of \$134,000 one hundred forty-six thousand seven hundred thirty dollars (\$146,730) per annum. ~~Thereafter, the attorney general shall receive ninety percent (90%) of the governor's compensation per annum;~~ and

(e) The state controller shall receive eighty-five percent (85%) of the governor's compensation per annum, ~~as provided in this subsection;~~ said compensation to be audited by the legislative council.

(42) Such compensation shall be paid on regular pay periods as due out of the state treasury and shall be in full for all services by said officers, respectively, rendered in any official capacity or employment whatever during their respective terms of office; but no increase in the rate of compensation shall be made during the terms of such officers; provided however, that the actual and necessary expenses of the governor, lieutenant governor, secretary of state, attorney general, state controller, state treasurer, and superintendent of public instruction, while traveling within the state or between points within the state in the performance of official duties, shall be allowed and paid by the state; not, however, exceeding such sum as shall be appropriated for such purpose.

(53) Actual and necessary subsistence expenses of the governor while traveling in connection with the performance of official duties are hereby expressly exempted from the provisions of sections 67-2007 and 67-2008, Idaho Code. ~~(Standard Travel Pay and Allowance Act of 1949).~~

(64) No officer named in this section shall receive, for the performance of any official duty, any fee for his own use, but all fees fixed by law for the performance of any official duty shall be collected in advance and deposited with the state treasurer to the credit of the state.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after January 1, 2023.

Law without signature.

CHAPTER 327  
(H.B. No. 802)

AN ACT

RELATING TO APPROPRIATIONS; APPROPRIATING ADDITIONAL MONEYS TO THE EXECUTIVE OFFICE OF THE GOVERNOR FOR THE ADMINISTRATION - GOVERNOR'S OFFICE PROGRAM FOR FISCAL YEAR 2023; APPROPRIATING ADDITIONAL MONEYS TO THE OFFICE OF THE LIEUTENANT GOVERNOR FOR FISCAL YEAR 2023; APPROPRIATING ADDITIONAL MONEYS TO THE OFFICE OF THE SECRETARY OF STATE FOR THE SECRETARY OF STATE PROGRAM FOR FISCAL YEAR 2023; APPROPRIATING ADDITIONAL MONEYS TO THE OFFICE OF THE STATE CONTROLLER FOR THE ADMINISTRATION PROGRAM FOR FISCAL YEAR 2023; APPROPRIATING ADDITIONAL MONEYS TO THE OFFICE OF THE STATE TREASURER FOR FISCAL YEAR 2023; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF EDUCATION FOR THE ADMINISTRATION PROGRAM FOR FISCAL YEAR 2023; APPROPRIATING ADDITIONAL MONEYS TO THE OFFICE OF THE ATTORNEY GENERAL FOR THE STATE LEGAL SERVICES PROGRAM FOR FISCAL YEAR 2023; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the Executive Office of the Governor for the Administration - Governor's Office Program \$7,900 from the General Fund to be expended for personnel costs for the period July 1, 2022, through June 30, 2023, for the purpose of the Governor's salary.

SECTION 2. In addition to any other appropriation provided by law, there is hereby appropriated to the Office of the Lieutenant Governor \$2,800 from the General Fund to be expended for personnel costs for the period July 1, 2022, through June 30, 2023, for the purpose of the Lieutenant Governor's salary.

SECTION 3. In addition to any other appropriation provided by law, there is hereby appropriated to the Office of the Secretary of State for the Secretary of State Program \$6,700 from the General Fund to be expended for personnel costs for the period July 1, 2022, through June 30, 2023, for the purpose of the Secretary of State's salary.

SECTION 4. In addition to any other appropriation provided by law, there is hereby appropriated to the Office of the State Controller for the Administration Program \$6,700 from the General Fund to be expended for personnel costs for the period July 1, 2022, through June 30, 2023, for the purpose of the State Controller's salary.

SECTION 5. In addition to any other appropriation provided by law, there is hereby appropriated to the Office of the State Treasurer \$6,700 from the General Fund to be expended for personnel costs for the period July 1, 2022, through June 30, 2023, for the purpose of the State Treasurer's salary.

SECTION 6. In addition to any other appropriation provided by law, there is hereby appropriated to the State Department of Education for the Administration Program \$6,700 from the General Fund to be expended for personnel costs for the period July 1, 2022, through June 30, 2023, for the purpose of the Superintendent of Public Instruction's salary.

SECTION 7. In addition to any other appropriation provided by law, there is hereby appropriated to the Office of the Attorney General for the State Legal Services Program \$7,700 from the General Fund to be expended for personnel costs for the period July 1, 2022, through June 30, 2023, for the purpose of the Attorney General's salary.

SECTION 8. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Law without signature.

# HOUSE JOINT MEMORIALS

(H.J.M. No. 3)

## A JOINT MEMORIAL

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Sixty-sixth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, Yellowstone National Park was established in 1872 as the first national park in America; and

WHEREAS, while the majority of Yellowstone is located in Wyoming, small portions of the park are located in Montana and Idaho; and

WHEREAS, as a national park, Yellowstone is federal land, and any crimes committed within the confines of Yellowstone are federal crimes; and

WHEREAS, Congress has established in United States Code that all of Yellowstone, including the portion in Idaho, falls under the jurisdiction of the United States District Court for the District of Wyoming; and

WHEREAS, an article by Professor Brian C. Kalt in the Georgetown Law Journal theorizes that the United States Constitution requires that for any crime committed in the portion of Yellowstone located in Idaho, the jurors in such a trial would need to be drawn from the portion of Yellowstone located in Idaho; and

WHEREAS, according to the 2020 census, the population of the portion of Yellowstone located in Idaho is zero, meaning there would be no potential jurors for a crime committed there; and

WHEREAS, without any potential jurors, a person who commits a crime in the portion of Yellowstone located in Idaho would theoretically be deprived of their constitutional right to a trial by jury, and the United States District Court may have no choice but to dismiss any such charges; and

WHEREAS, such a legal loophole creates a scenario where any person who commits a crime in the portion of Yellowstone located in Idaho could commit such crime with impunity; and

WHEREAS, placing the portion of Yellowstone located in Idaho under the jurisdiction of the United States District Court for the District of Idaho would theoretically close such a loophole.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-sixth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislature calls upon Congress to close this potential legal loophole by amending United States Code and placing the portion of Yellowstone National Park located in Idaho under the jurisdiction of the United States District Court for the District of Idaho while maintaining the United States Court of Appeals for the Tenth Circuit as the proper venue for all administrative appeals concerning Yellowstone.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress and to the congressional delegation representing the State of Idaho in the Congress of the United States.

Adopted by the House February 9, 2022

Adopted by the Senate March 8, 2022

(H.J.M. No. 4)

A JOINT MEMORIAL

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES, AND TO THE OFFICE OF MANAGEMENT AND BUDGET.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Sixty-sixth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, Butte County is a rural area with a population of approximately 2,500 people. In 2013, Butte County was included as an outlying county of the Idaho Falls Metropolitan Statistical Area (MSA). This designation leaves Butte County ineligible for a variety of grants and opportunities; and

WHEREAS, the circumstances surrounding Butte County are unique. It is home to the Idaho National Laboratory (INL), an 890-square-mile Department of Energy facility, employing approximately 4,000 workers. Under current Office of Management and Budget standards, Butte County is an outlying county of the MSA because at least 25% of its workforce resides in Bonneville County, where Idaho Falls is located; and

WHEREAS, as the nation's premier nuclear energy research lab, the INL is a secure facility. The lab transports, stores, and handles sensitive materials in this remote location; and

WHEREAS, due to the nature of the INL's work, Butte County businesses and residents cannot access the property or provide goods or services to the thousands of employees. Butte County receives minimal economic benefit from the commuting workforce. The INL should not affect the rural designation of the county; and

WHEREAS, unfairly designating Butte County as metropolitan is an unintended consequence of the Office of Management and Budget's 2010 standards. Idaho's congressional delegation introduced Senate Bill 372 and House of Representatives Bill 1113, the Statistical Area Fairness Act, to ensure that rural counties with large federal facilities are not negatively affected by MSA designations.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-sixth Idaho Legislature, the House of Representatives and the Senate concurring therein, that it must be ensured that rural counties with large federal installations within their borders are not negatively affected by core-based statistical area designations.

BE IT FURTHER RESOLVED that in delineating core-based statistical areas, the Office of Management and Budget should not include a county in which a large federal installation is located in a core-based statistical area on the basis of the percentage of the employment in that county that is accounted for by workers who reside in the central county or counties of the core-based statistical area, as determined by the Office of Management and Budget.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, to the congressional delegation representing the State of Idaho in the Congress of the United States, and to the Office of Management and Budget.

Adopted by the House February 24, 2022

Adopted by the Senate March 8, 2022

(H.J.M. No. 5)

A JOINT MEMORIAL  
TO JAY INSLEE, GOVERNOR OF THE STATE OF WASHINGTON.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Sixty-sixth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the State of Idaho and the State of Washington have always enjoyed a supportive and mutually beneficial relationship; and

WHEREAS, a strong and cooperative relationship among the states is in the best interest of residents of both states; and

WHEREAS, a recent proposal in the Washington Legislature to impose a six-cent-per-gallon tax on gasoline and diesel fuel exported to Idaho, for the purpose of funding transportation and other projects in Washington, would create additional and unnecessary costs to Idahoans; and

WHEREAS, the proposed tax would be a clear violation of the Commerce Clause in Article I, Section 8 of the United States Constitution, which prohibits states from imposing an undue burden on interstate commerce; and

WHEREAS, the United States Supreme Court has previously found similar taxing schemes unconstitutional; and

WHEREAS, the proposed tax would impose an enormous financial burden on Idahoans in the name of offsetting Washington business costs; and

WHEREAS, the proposed tax would further impose an additional burden and cost on many Idaho businesses, which rely on the great work of our long-haul truck drivers to supply their businesses and workers and to get Idaho's agricultural products to market; and

WHEREAS, businesses, manufacturers, farmers, truckers, ranchers, and other Idahoans oppose the imposition of the proposed tax and have demanded that the Idaho Legislature take action against it; and

WHEREAS, Idahoans should not be subject to a tax imposed by a legislative body in which they have no representation.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-sixth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislature strongly opposes the imposition of a tax on fuel exported by Washington to Idaho.

BE IT FURTHER RESOLVED that the Legislature believes the proposed tax is strongly antithetical to the letter and spirit of the United States Constitution.

BE IT FURTHER RESOLVED that the Legislature strongly opposes a trade war imposed by one state against its sister state.

BE IT FURTHER RESOLVED that the Legislature urges Governor Jay Inslee to speak out immediately against the proposed tax and to commit to vetoing the unwise and disruptive legislation should it reach his desk.

BE IT FURTHER RESOLVED that the Legislature will take any and all actions necessary to block this new tax on the citizens of Idaho, who should never be subject to taxation without representation.



BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the Honorable Jay Inslee, Governor of the State of Washington.

Adopted by the House February 22, 2022

Adopted by the Senate March 1, 2022

(H.J.M. No. 6)

A JOINT MEMORIAL

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES, AND TO THE GOVERNOR OF THE STATE OF IDAHO.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Sixty-sixth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, on February 24, 2022, Russia launched a full-scale military invasion of its peaceful neighbor Ukraine; and

WHEREAS, over 30 years ago, Ukraine declared its independence and in 1994 the United States, the Russian Federation, and the United Kingdom signed an agreement whereby each country pledged to respect the independence and sovereignty of Ukraine's borders in return for its nuclear disarmament; and

WHEREAS, the citizens of Ukraine have been indicating their will to form closer alliances with the West, resulting in the protest and ejection of Ukrainian President Yanukovich, a close ally of the President of Russia, in 2014; and

WHEREAS, in complete disregard for the sovereignty and will of the Ukrainian people to have peaceful and free elections, Russia has since that time been taking aggressive actions in areas on the Russia-Ukraine border; and

WHEREAS, Russia has violently attacked Ukraine under various false pretenses and is bringing its greater military might to bear on the brave and determined people of Ukraine, who have called on the world to support them against this flagrant and unjustified attack.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-sixth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the people of the State of Idaho commend the courage and resolve shown by the Ukrainian people in defending their country against Russian aggressors and urge the Governor of the State of Idaho to take all appropriate measures to sanction Russia.

BE IT FURTHER RESOLVED that the United States should fully support the legitimately elected government of Ukraine and condemn, sanction, and deter Russia's illegal and immoral violent attack on Ukraine.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, to the congressional delegation representing the State of Idaho in the Congress of the United States, and to the Governor of the State of Idaho.

Adopted by the House March 2, 2022

Adopted by the Senate March 8, 2022

# SENATE CONCURRENT RESOLUTIONS

(S.C.R. No. 114)

## A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND HONORING THE LIFE AND ACHIEVEMENTS OF COACH ED CHEFF.

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

WHEREAS, Ed Cheff was native to the Northwest, having been born in Butte, Montana, and raised in Woodland, Washington; and

WHEREAS, Ed attended Lewis & Clark College in Portland, Oregon, where he played baseball and football; and

WHEREAS, Ed began his coaching career as an assistant high school football coach in Tillamook, Oregon. In 1973, he became the baseball coach at Lower Columbia College in Longview, Washington, where in four seasons his record was 120-30; and

WHEREAS, in 1977, Ed moved to Idaho, assuming the head baseball coaching position at Lewis-Clark State College (LCSC) in Lewiston, where he compiled a 1,705-430-2 record, the fifth-most wins of a college baseball coach at any level of competition. With a .798 winning percentage, the second-highest for a college baseball coach, Ed achieved one of the most successful records in college baseball and in college sports in general; and

WHEREAS, under Ed's leadership, the LCSC Warriors became a national powerhouse, winning 16 national championships in the National Association of Intercollegiate Athletics (NAIA), by far the most for any college baseball coach at any level; and

WHEREAS, Ed's baseball teams were famous for their discipline and toughness, with many of their practices inspired by football drills; and

WHEREAS, Ed's teams, despite playing in the NAIA, had a winning record against their National Collegiate Athletic Association (NCAA) opponents, including celebrated victories over highly ranked teams such as eventual NCAA champion Wichita State in 1989; and

WHEREAS, Ed's athletes included 72 NAIA All Americans and three NAIA Players of the Year. Of the athletes Ed coached, 114 were selected in the Major League draft and 16 played in the Major League; and

WHEREAS, Ed also served on the coaching staff for Team USA baseball in 1991 and 1994; and

WHEREAS, Ed was named NAIA Coach of the Year eight times and won the Lefty Gomez Award for lifetime achievement in amateur baseball in 2009; and

WHEREAS, Ed retired in 2010, remarking that he "never got burned out on baseball" and that he "loved it to the last game, the last practice"; and

WHEREAS, upon Ed's retirement, Coach Woody Hunt of Cumberland University called him "maybe the greatest coach in college baseball history"; and

WHEREAS, Ed was inducted into the NAIA Hall of Fame in 1994, the American Baseball Coaches Association Hall of Fame in 2006, and the National College Baseball Hall of Fame in 2012; and

WHEREAS, Ed was the first inductee in the Warrior Hall of Fame in 2011; and

WHEREAS, LCSC renamed its baseball stadium the Ed Cheff Stadium at Harris Field in 2017; and

WHEREAS, Ed and his baseball teams were known for their community outreach, volunteering at schools and on other service projects; and

WHEREAS, Ed passed away at home on January 15, 2022, at the age of 78; and

WHEREAS, Ed left an indelible mark on college baseball, LCSC, Lewiston, and the State of Idaho.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-sixth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Legislature honors the life and achievements of Coach Ed Cheff, recognizes his outstanding contributions to college baseball, Lewis-Clark State College, Lewiston, and the State of Idaho, and extends its condolences and best wishes to his family and friends, including Ed's wife Karen and his sons Trevor, Tyler, and Toby.

Adopted by the Senate February 18, 2022

Adopted by the House March 15, 2022

(S.C.R. No. 115)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND SUPPORTING THE DEVELOPMENT OF STAND-ALONE CIVICS STANDARDS FOR IDAHO ELEMENTARY AND SECONDARY STUDENTS.

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

WHEREAS, civic engagement is the foundation of our nation's form of democratic government; and

WHEREAS, participation in civic activities is essential to sustain our form of government; and

WHEREAS, research shows that civic engagement has declined in the United States in recent years; and

WHEREAS, civics education is essential in ensuring that students are informed and effective citizens who understand their responsibilities and rights; and

WHEREAS, public schools should promote students' knowledge and understanding of the foundational principles of the American system of government, including the Constitution, rule of law, separation of powers, judicial review, and federalism; and

WHEREAS, Section 33-1602, Idaho Code, requires that instruction in citizenship shall be given in all elementary and secondary schools; and

WHEREAS, all secondary pupils must show they have met the state civics and government standards through the successful completion of a civics examination in order to graduate; and

WHEREAS, national studies have found that Idaho's social studies and civics standard should be strengthened to better prepare students to participate in civic life; and

WHEREAS, Idaho's social studies standards, where current standards on civics are incorporated, are scheduled for review and updates; and

WHEREAS, stand-alone civics standards would better support student understanding of our nation's system of government and the opportunities and responsibilities of citizenship; and

WHEREAS, civics standards should emphasize the importance of an understanding of natural law as recognized by the American founders based on the works of Cicero and John Locke, which philosophy underpins the Declaration of Independence and the thinking of the founders.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-sixth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Legislature does hereby resolve to call upon the State Department of Education to work with a group of stakeholders, including parents, educators, education organizations, and legislators, to develop stand-alone standards for civics instruction that include the teaching of natural law in Idaho schools for consideration by the State Board of Education and the Legislature.

Adopted by the Senate February 18, 2022

Adopted by the House March 15, 2022

(S.C.R. No. 118)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND CONDEMNING DIVISIVE CURRICULUM IN IDAHO SCHOOLS AND ENCOURAGING IDAHO SCHOOLS TO TEACH A FULL AND ACCURATE HISTORY OF THE UNITED STATES ALONG WITH THE PRINCIPLES OF FREEDOM AND INDIVIDUAL LIBERTY.

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

WHEREAS, divisive content is appearing in school curriculum across the nation; and

WHEREAS, this divisive content seeks to disregard the history of the United States and the nation's journey to becoming a pillar of freedom in the world; and

WHEREAS, theories taught under "critical race theory" and writings in "The 1619 Project" attempt to re-educate children into the belief that they are to be ashamed of or limited by their race and ethnicity; and

WHEREAS, the 1776 Commission was created to help the children understand the full history and the founding principles that established the United States and what its people must continue to strive for: all were created equal; and

WHEREAS, the Declaration of Independence asserted that individual rights are rights inherent in everyone and that they must be secured; and

WHEREAS, the principles and history of the United States can be learned through the rich historical documentation available to everyone; and

WHEREAS, the faults of this great nation have been addressed throughout our history; and

WHEREAS, unity in the nation can be strengthened through the rising generation and the generations to come when they are given the knowledge of the United States' founding principles, societal duties, and personal responsibility.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-sixth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we encourage the schools of Idaho to provide children with the knowledge, strength, and virtue of a free people by viewing the history both clearly and wholly, not only the offenses but also the triumphs. It is imperative that children are taught about mistakes as well as unprecedented accomplishments toward freedom and fairness for all.

Adopted by the Senate February 23, 2022

Adopted by the House March 15, 2022

(S.C.R. No. 119)

## A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REAFFIRMING THE STATE OF IDAHO'S COMMITMENT TO A STRONG AND DEEPENING RELATIONSHIP WITH TAIWAN AND SUPPORTING TAIWAN'S MEANINGFUL PARTICIPATION IN APPROPRIATE INTERNATIONAL ORGANIZATIONS.

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

WHEREAS, Taiwan, the United States, and, in particular, the State of Idaho share a historical and close relationship marked by the common values of democracy, human rights, and rule of law; and

WHEREAS, Taiwan and Idaho established a close relationship in the 1980s and found expanded relations through strong and bilateral trade, educational and cultural exchange, scientific and technological interest, and tourism; and

WHEREAS, Taiwan was the second largest export market for Idaho goods in 2017, 2018, 2019, 2020, and 2021, with a yearly average of \$540 million in sales of items such as semiconductors, computers and capital equipment, and food and agriculture; and

WHEREAS, the Office of the United States Trade Representative and the International Trade Administration reports Taiwanese entities invested nearly \$13.7 billion in 2020 in the United States, up 13.6% from 2019, supporting 19,000 American jobs; and

WHEREAS, Idaho and Taiwan signed a joint Memorandum of Education Cooperation in 2018, and Idaho's universities, colleges, and all levels of educational institutions are encouraged to build cooperative ties with counterparts in Taiwan in the areas of academics, Mandarin learning, and research exchange; and

WHEREAS, Idaho welcomes all opportunities for an even closer economic and educational relationship with Taiwan and supports increased trade and investment through a bilateral free and fair trade agreement, support of the United States-Taiwan Global Cooperation and Training Framework, and building programs for regional experts in the areas of public health, empowerment of women, energy efficiency, and e-commerce; and

WHEREAS, Idaho recognizes Taiwan's contribution to a broad range of global issues, including humanitarian assistance, disaster relief, safeguarding of cyber security, antiterrorism initiatives, and fights against transnational crime.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-sixth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the State of Idaho reaffirms its commitment to the strong and deepening relationship between the State of Idaho and Taiwan and supports Taiwan's meaningful participation in appropriate international organizations.

Adopted by the Senate March 3, 2022

Adopted by the House March 23, 2022

(S.C.R. No. 120)

## A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING CERTAIN RULES OF THE DEPARTMENT OF HEALTH AND WELFARE RELATING TO MEDICAID BASIC PLAN BENEFITS AND DEVELOPMENTAL DISABILITIES AGENCIES.

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

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the Department of Health and Welfare relating to Medicaid Basic Plan Benefits and Developmental Disabilities Agencies are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-sixth Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 16.03.09, relating to Medicaid Basic Plan Benefits, Section 772., Subsection 01.c.; and IDAPA 16.03.21, relating to Developmental Disabilities Agencies, Section 101., Subsection 04.q.; Section 302., Subsection 01.; and Section 407., adopted as pending rules under Docket Number 16-0000-2100, only, be, and the same are hereby rejected and declared null, void, and of no force and effect.

Adopted by the Senate March 3, 2022

Adopted by the House March 17, 2022

(S.C.R. No. 121)

## A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE STATE TAX COMMISSION RELATING TO TAX COMMISSION ADMINISTRATION AND ENFORCEMENT RULES.

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

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the State Tax Commission relating to Tax Commission Administration and Enforcement Rules are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-sixth Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 35.02.01, relating to Tax Commission Administration and Enforcement Rules, Section 327., adopted as a pending rule under Docket Number 35-0201-2101, only, be, and the same is hereby rejected and declared null, void, and of no force and effect.

Adopted by the Senate March 8, 2022

Adopted by the House March 15, 2022

(S.C.R. No. 122)

## A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE DEPARTMENT OF PARKS AND RECREATION RELATING TO RULES GOVERNING THE ADMINISTRATION OF THE IDAHO DEPARTMENT OF PARKS AND RECREATION STATE AND FEDERAL GRANT FUNDS.

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

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the Department of Parks and Recreation relating to Rules Governing the Administration of the Idaho Department of Parks and Recreation State and Federal Grant Funds are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-sixth Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 26.01.31, relating to Rules Governing the Administration of the Idaho Department of Parks and Recreation State and Federal Grant Funds, Section 010., Subsection 06., adopted as a pending rule under Docket Number 26-0000-2100, only, be, and the same is hereby rejected and declared null, void, and of no force and effect.

Adopted by the Senate March 11, 2022

Adopted by the House March 18, 2022

(S.C.R. No. 123)

## A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND APPROVING PENDING RULES THAT IMPOSE A FEE OR CHARGE REVIEWED BY THE SENATE RESOURCES AND ENVIRONMENT COMMITTEE AND THE HOUSE RESOURCES AND CONSERVATION COMMITTEE WITH AN EXCEPTION.

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

WHEREAS, the Legislature pursuant to Section 67-5224, Idaho Code, must approve certain administrative rules that impose a fee or charge by adoption of a concurrent resolution before the rules become effective; and

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, the Senate Resources and Environment Committee and the House Resources and Conservation Committee reviewed rules that impose a fee or charge adopted by the Department of Fish and Game, Forest Products Commission, Department of Lands, Department of Parks and Recreation, and Department of Water Resources; and

WHEREAS, it is the finding of the Legislature that a certain rule of the Department of Parks and Recreation is not consistent with legislative intent; and

WHEREAS, the Legislature finds that it is in the public interest to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-sixth Idaho Legislature, the Senate and the House of Representatives concurring therein, that pending fee rules adopted by the Department of Fish and Game, Forest Products Commission, Department of Lands, Department of Parks and Recreation, and Department of Water Resources, pursuant to the Administrative Procedure Act and submitted through the Office of Rules Coordinator to the Legislature for review during the 2022 legislative session and reviewed by the Senate Resources and Environment Committee and the House Resources and Conservation Committee, be, and the same are hereby approved, with the exception of the following enumerated pending fee rule.

BE IT FURTHER RESOLVED that Department of Parks and Recreation, IDAPA 26.01.33, Docket No. 26-0000-2100F, Section 010., Subsection 07., only, is hereby rejected and not approved, and thereby pursuant to Sections 67-5291 and 67-5224, Idaho Code, is declared null, void, and of no force and effect.

Adopted by the Senate March 11, 2022

Adopted by the House March 18, 2022

(S.C.R. No. 124)

#### A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND APPROVING PENDING RULES THAT IMPOSE A FEE OR CHARGE REVIEWED BY THE SENATE STATE AFFAIRS COMMITTEE AND THE HOUSE STATE AFFAIRS COMMITTEE.

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

WHEREAS, the Legislature pursuant to Section 67-5224, Idaho Code, must approve certain administrative rules that impose a fee or charge by adoption of a concurrent resolution before the rules become effective; and

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, the Senate State Affairs Committee and the House State Affairs Committee reviewed rules that impose a fee or charge adopted by the Idaho State Racing Commission, Idaho State Liquor Division, Endowment Fund Investment Board, Secretary of State, Department of Administration, and Idaho State Lottery Commission; and

WHEREAS, the Legislature finds that it is in the public interest to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-sixth Idaho Legislature, the Senate and the House of Representatives concurring therein, that pending fee rules adopted by the Idaho State Racing Commission, Idaho State Liquor Division, Endowment Fund Investment Board, Secretary of State, Department of Administration, and Idaho State Lottery Commission, pursuant to the Administrative Procedure Act and submitted through the Office of Rules Coordinator to the Legislature for review during the 2022 legislative session and reviewed by the Senate State Affairs Committee and the House State Affairs Committee, be, and the same are hereby approved.

Adopted by the Senate March 23, 2022

Adopted by the House March 25, 2022



(S.C.R. No. 125)

## A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND APPROVING PENDING RULES THAT IMPOSE A FEE OR CHARGE REVIEWED BY THE SENATE RESOURCES AND ENVIRONMENT COMMITTEE AND THE HOUSE ENVIRONMENT, ENERGY, AND TECHNOLOGY COMMITTEE.

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

WHEREAS, the Legislature pursuant to Section 67-5224, Idaho Code, must approve certain administrative rules that impose a fee or charge by adoption of a concurrent resolution before the rules become effective; and

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, the Senate Resources and Environment Committee and the House Environment, Energy, and Technology Committee reviewed rules that impose a fee or charge adopted by the Department of Environmental Quality as set forth in Docket No. 58-0000-2100F; and

WHEREAS, the Legislature finds that it is in the public interest to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-sixth Idaho Legislature, the Senate and the House of Representatives concurring therein, that pending fee rules adopted by the Department of Environmental Quality, as set forth in Docket No. 58-0000-2100F, pursuant to the Administrative Procedure Act and submitted through the Office of Rules Coordinator to the Legislature for review during the 2022 legislative session and reviewed by the Senate Resources and Environment Committee and the House Environment, Energy, and Technology Committee, be, and the same are hereby approved.

Adopted by the Senate March 24, 2022

Adopted by the House March 24, 2022

# HOUSE CONCURRENT RESOLUTIONS

(H.C.R. No. 26)

## A CONCURRENT RESOLUTION

PROVIDING FOR A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE SECOND REGULAR SESSION OF THE SIXTY-SIXTH IDAHO LEGISLATURE FOR THE PURPOSE OF HEARING A MESSAGE FROM THE GOVERNOR.

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

WHEREAS, the Governor has informed the House of Representatives and the Senate that he desires to deliver a message to a Joint Session of the House of Representatives and the Senate of the Second Regular Session of the Sixty-sixth Idaho Legislature in the Chamber of the House of Representatives at 1 p.m. on Monday, January 10, 2022.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-sixth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the House of Representatives and the Senate meet in Joint Session on Monday, January 10, 2022, at 1 p.m. for the purpose of hearing the message from the Governor.

Adopted by the House January 10, 2022

Adopted by the Senate January 10, 2022

(H.C.R. No. 28)

## A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND HONORING THE LONG LIFE OF HARRY FOX LEMOYNE AND HIS STEADFAST SERVICE TO THE UNITED STATES AND THE STATE OF IDAHO.

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

WHEREAS, Harry Fox LeMoyné, a longtime resident of Twin Falls, was born August 21, 1918, passing away on August 9, 2021, at the age of 102. Harry was born in Hailey, Idaho, to Harry (Henri) and Jeanette LeMoyné and moved to Hagerman when he was 10 years old. He graduated from Hagerman High School and attended Boise Junior College and the University of Idaho; and

WHEREAS, Harry served in the Army Air Corps from 1941 to 1945 flying P-47 fighters on over 60 combat missions, escorting bombers on their way to and through Europe. Although he was never shot down, there were several close calls. During one mission, Harry's plane was hit by a 20 mm shell that knocked the canopy off the plane, severely wounding Harry. Despite his injuries, Harry guided the damaged plane and landed it in England after a very difficult flight; and

WHEREAS, Harry was awarded the Distinguished Flying Cross and the Purple Heart in 1944 along with many other commendations during his time in the service. Harry remained proud to have served during the beginnings of the United States Air Force. Harry stayed active in the Air Force Reserves and after being a Captain during the war, retired as a full Colonel; and

WHEREAS, after the war, Harry went to work for the Bacon Sheep Company, where he learned a great deal about trailing and caring for sheep. After working for the Bacon Sheep Company, Harry bought a band of sheep to raise on a 40-acre pasture he purchased west of Hagerman; and

WHEREAS, in 1999, Harry was inducted into the Southern Idaho Livestock Hall of Fame. The Southern Idaho Livestock Hall of Fame was established to recognize and honor the men and women who have made positive impacts on the livestock industry; and

WHEREAS, Harry began his real estate career in 1953. Harry obtained an Idaho real estate broker's license and began listing and selling farms and ranches primarily in Idaho. Harry also worked for the Gooding County Assessor appraising farms and ranches. Harry retired from real estate sales in 2016 after 63 years in the business.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-sixth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we honor the long life of Harry Fox LeMoyne and his steadfast service to the United States and the State of Idaho.

Adopted by the House January 24, 2022

Adopted by the Senate January 31, 2022

(H.C.R. No. 29)

#### A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND ENCOURAGING CERTAIN OFFICERS, AGENCIES, AND EMPLOYEES OF THE STATE TO BECOME INFORMED ABOUT THE IMPACTS OF TRAUMATIC CHILDHOOD EXPERIENCES AND TO IMPLEMENT INTERVENTIONS AND PRACTICES TO DEVELOP RESILIENCY IN CHILDREN AND ADULTS WHO SUFFERED FROM TRAUMATIC CHILDHOOD EXPERIENCES.

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

WHEREAS, there have been recent significant advances in neuroscience with increased understanding of how emotional neglect and exposure to serious trauma affect the way children perceive and interact with their world both during childhood and into adulthood; and

WHEREAS, post-traumatic stress disorder and other trauma-related disorders in children and adults can be caused both by exposure to a single severe traumatic incident or by exposure to a cumulative series of serious traumatic events; and

WHEREAS, such traumatic incidents and events include emotional and physical abuse and neglect, sexual abuse, separation from or loss of a parent due to divorce or other reasons, serious injury or death of a parent, exposure to family discord, domestic violence, parental mental illness, substance abuse, criminal activity in the home, and other traumatic and nonnurturing experiences and environments; and

WHEREAS, abuse, neglect, and traumatic events compose part of what has been described in medical literature as "adverse childhood experiences" or "ACEs," and the cumulative potential impact to a child who has a significant history of exposure to neglect and trauma can be calculated using what is called an ACE score; and

WHEREAS, it is now understood that significant exposure to severe traumatic events as described above can negatively affect the neurobiology and anatomy of a child's developing brain and result in a substantially impaired ability to absorb new information, develop healthy coping skills, and adapt to life's challenges as the child becomes locked into a "fight-flight-or-freeze" mode that becomes the child's and future adult's default approach when interacting with the world around them; and

WHEREAS, children and adults whose brains have been negatively affected by exposure to severe or repeated serious trauma often experience persistent and sometimes overwhelming dysfunctional emotions of fear, anxiety, depression, hopelessness, and anger and may exhibit socially inappropriate labile and aggressive behaviors or may exhibit socially inappropriate emotional detachment and avoidance behaviors; and

WHEREAS, these negative coping behaviors and dysfunctional emotions limit a person's capacity to form healthy stable relationships, foster social capital, learn from experiences and mistakes, set and achieve short-term and long-term goals, and succeed in educational and vocational pursuits; and

WHEREAS, in addition to the above negative outcomes, children and adults are more likely to attempt to self-medicate trauma-related "fight-flight-or-freeze" anxiety and emotional dysfunction by using available substances such as tobacco, alcohol, prescription medications, and street drugs, including heroin, methamphetamine, cocaine, and cannabis; and

WHEREAS, because of the cumulative adverse effects of the above negative outcomes on their physical health and emotional and cognitive capabilities, children and adults affected by severe traumatic events, despite their sincere and best efforts to succeed in life, are more likely to:

1. Perform poorly in school and other academic pursuits;
2. Struggle with work performance and sustainable employment;
3. Become chronically unemployed as adults, resulting in financial stress, reduced quality of life, and increased risk of experiencing long-term disability, homelessness, and other personal and family traumatic experiences;
4. Become dependent on and addicted to tobacco, alcohol, prescription medications, illicit drugs, and other substances;
5. Become directly engaged with law enforcement and the criminal justice system;
6. Suffer from significant mental illness, including depression, psychosis, and severe anxiety, leading to suicides and attempted suicides that otherwise would not have occurred;
7. Suffer from serious physical health problems with poor long-term outcomes that otherwise would not have occurred;
8. Engage in high-risk sexual behaviors as adolescents and adults, including onset of sexual activity at an early age and multiple sexual partners, resulting in increased risks of adolescent pregnancy and paternity, other unintended pregnancies, and sexually transmitted diseases;
9. Experience significant problems and failures in marriage and other intimate partner relationships;
10. Become victims or perpetrators of intimate partner violence as adults;
11. Struggle, despite their sincere efforts, to provide a stable and nurturing environment for their current and future children, resulting in increased likelihood of intergenerational trauma and intergenerational poverty; and
12. Face a life expectancy shortened by as many as 20 years when compared to average life expectancy for adults who did not experience severe trauma as children; and

WHEREAS, with an increase in understanding about the impacts of trauma has come the development of evidence-based questionnaires that identify behaviors and health-related disorders in children and adults that can be indicative of possible trauma-related exposures; and

WHEREAS, using these questionnaires can provide the opportunity to identify and refer a child or adult for appropriate additional evaluation and treatment; and

WHEREAS, the mental health profession can effectively diagnose and treat trauma-related disorders following evidence-based approaches that have been proven to be successful; and

WHEREAS, early childhood offers an important window of elevated opportunity to prevent, treat, and heal the impacts of adverse childhood experiences and toxic stress on a child's brain and body; and

WHEREAS, a critical factor in buffering a child from the negative effects of toxic stress and adverse childhood experiences is the existence of at least one stable, supportive relationship between the child and a nurturing adult; and

WHEREAS, with the increase in scientific understanding and ability to identify, prevent, and treat trauma-related disorders, there is great hope for thousands of Idaho children and adults to begin healing from the negative effects of adverse childhood experiences, to develop resiliency, and to have brighter, more productive futures than was previously possible; and

WHEREAS, in order to maximize the potential for positive outcomes of evidence-based interventions in the treatment of severe trauma, it is imperative that employees of the State of Idaho and other people who interact directly with vulnerable children and adults become informed regarding the effects of trauma on the human brain and available screening and assessment tools and treatment interventions that lead to increased resiliency in children and adults who struggle in life as the result of trauma-related disorders.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-sixth Idaho Legislature, the House of Representatives and the Senate concurring therein, that all officers, agencies, and employees of the State of Idaho whose responsibilities include working with vulnerable children and adults, such as the State Board of Education, the State Department of Education, the Department of Health and Welfare, the Department of Correction, the Department of Juvenile Corrections, the Department of Labor, and Idaho courts, are encouraged to:

1. Become informed regarding well-documented detrimental short-term and long-term impacts to children and adults from serious traumatic childhood experiences as outlined above; and
2. Implement evidence-based interventions and practices that are proven to be successful in developing resiliency in children and adults currently suffering from trauma-related disorders to help them recover from their trauma and function at their full capacity and potential in school, in the workplace, and in community, family, and interpersonal relationships.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the State Board of Education, the State Department of Education, the Department of Health and Welfare, the Department of Correction, the Department of Juvenile Corrections, the Department of Labor, and the Idaho Supreme Court.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to all non-profit agencies and other entities that contract with the State of Idaho to provide services to vulnerable children and adults.

Adopted by the House February 3, 2022

Adopted by the Senate February 18, 2022

(H.C.R. No. 30)

## A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND RECOGNIZING PANDAS/PANS AWARENESS DAY.

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

WHEREAS, pediatric autoimmune neuropsychiatric disorders associated with streptococcal infection (PANDAS) and pediatric acute-onset neuropsychiatric syndrome (PANS) involve a misdirected autoimmune process that affects or weakens the blood-brain barrier in children; and

WHEREAS, children afflicted with PANDAS or PANS display sudden, dramatic changes in personality manifesting as obsessive compulsive disorder together with accompanying symptoms following a strep, bacterial, or viral infection. Accompanying symptoms may include tics, intense fear or anxiety, depression, behavioral regression, deterioration in school performance, sensory sensitivities, severely restricted food intake, and more; and

WHEREAS, it is estimated that at least 1 in 200 children in the United States, including more than 2,000 children in Idaho, are affected by PANDAS/PANS; and

WHEREAS, children with PANDAS/PANS can often go undiagnosed or be misdiagnosed or undertreated. PANDAS/PANS is likely as common as pediatric cancer and pediatric diabetes and can seriously affect health outcomes in a child's life; and

WHEREAS, established standards of care for treatment of PANDAS/PANS include antibiotics, steroids, intravenous immunoglobulin, plasmapheresis, cognitive behavioral therapy, and anti-inflammatory medications and are utilized based on the needs of the child and the severity of an individual case; and

WHEREAS, greater public awareness of this health issue is imperative to improve timely diagnosis and access to treatment so that health outcomes for affected children may be improved; and

WHEREAS, on September 21, 2021, Governor Little issued a proclamation recognizing October 9, 2021, as PANDAS/PANS Awareness Day in Idaho, which proclamation directly inspired this resolution.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-sixth Idaho Legislature, the House of Representatives and the Senate concurring therein, that October 9, 2022, be recognized in the State of Idaho as PANDAS/PANS Awareness Day.

BE IT FURTHER RESOLVED that the Legislature recognizes and honors the patients and families affected by PANDAS/PANS and the practitioners who assist them.

BE IT FURTHER RESOLVED that the Legislature encourages the Department of Health and Welfare, in cooperation with the State Board of Education, the State Department of Education, and school districts, to ensure accurate information about PANDAS/PANS is readily accessible to Idaho families by collaborating with an established PANDAS/PANS nonprofit organization on educational materials.

Adopted by the House February 28, 2022

Adopted by the Senate March 15, 2022

(H.C.R. No. 31)

## A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND RECOGNIZING THE ACCOMPLISHMENTS OF THE IDAHO FALLS BANDITS BASEBALL TEAM.

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

WHEREAS, baseball has always been America's game; and  
WHEREAS, nothing is more American than baseball, hot dogs, and apple pie; and  
WHEREAS, the "boys of summer" have played on for years, always playing in a "field of dreams"; and  
WHEREAS, the State of Idaho has not been known as a major force in baseball; and  
WHEREAS, Idaho's boys nonetheless continued to dream; and  
WHEREAS, dreams sometimes do come true, when coupled with hard work; and  
WHEREAS, the Idaho Falls Bandits legion team overcame incredible odds to go to the 2019 American Legion World Series compiling a 61-6-1 record, beating Fargo, North Dakota, in the final championship game of the American Legion World Series; and  
WHEREAS, the Bandits were unable to defend their championship in 2020 due to COVID-19; and  
WHEREAS, the Bandits came back in incredible fashion to once again make it to the 2021 American Legion World Series; and  
WHEREAS, the 2021 Bandits went 45-10-1 and beat Honolulu, Hawaii, 6-1 in the championship game of the American Legion World Series; and  
WHEREAS, 33 kids played on the two teams and one, Kai Howell, played in both American Legion World Series championships; and  
WHEREAS, numerous players received special recognition, including the All-Tournament Team of: Nate Rose, shortstop; McGwire Jephson, third baseman; Kai Howell, offensive player; and Merit Jones, pitcher; and  
WHEREAS, the 2021 World Series MVP was Idaho Falls' own Nate Rose; and  
WHEREAS, the real hero of both championship teams is their coach, Ryan Alexander, who received the Jack Williams Memorial Leadership Award in recognition of the Bandits coaching staff.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-sixth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislature and the Governor recognize the amazing accomplishments of Idaho's 2019 and 2021 championship baseball teams.

BE IT FURTHER RESOLVED that we recognize the great example these young men have set both in and outside of the classroom and who, for a few short weeks, brought our state together, cheering for these fine young men.

Adopted by the House February 11, 2022

Adopted by the Senate March 8, 2022

(H.C.R. No. 32)

## A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND URGING THE GOVERNOR AND THE STATE OF IDAHO TO RECOGNIZE MISSION43, ITS EFFORTS, AND ITS LEADERSHIP IN ENSURING THAT MILITARY VETERANS, THEIR SPOUSES, AND THEIR CHILDREN ARE WELCOME AND GIVEN OPPORTUNITY TO PURSUE THE AMERICAN DREAM IN IDAHO.

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

WHEREAS, the State of Idaho is committed to military veterans, military spouses, and their families; and

WHEREAS, Mission43, named after the forty-third state, has taken on the mission of making Idaho a premier destination for veterans and their families during and after their service; and

WHEREAS, the State of Idaho acknowledges Mission43 and the efforts and investments to provide servicemen, servicewomen, and military spouses opportunities to succeed in Idaho after the military through the pillars of education, employment, and engagement; and

WHEREAS, Mission43 has provided more than 1,000 veterans and spouses advice and access to exclusive programs to help members maximize their military benefits, excel academically, and grow professionally; and

WHEREAS, Mission43 has provided more than 1,200 veterans access to programs that give veterans and their spouses the resources needed to succeed in their transition to the civilian Idaho workforce and advance beyond levels of underemployment; and

WHEREAS, Mission43 has organized and hosted meaningful events, providing opportunities for veterans to stay active, find purpose, and connect, having led to more than 10,000 engagements for veterans and civilians in various communities across the State of Idaho; and

WHEREAS, Mission43 has placed this mission on itself for the benefit of the State of Idaho through the generosity of Idaho citizens and has created these ongoing and growing successes without the use of federal or state funds.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-sixth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we urge the Governor and the State of Idaho to recognize Mission43, its efforts, and its leadership in ensuring that military veterans, their spouses, and their children are given welcome and opportunity to pursue the American dream in Idaho.

Adopted by the House February 16, 2022

Adopted by the Senate February 22, 2022



(H.C.R. No. 33)

## A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND COMMENDING BRIAN W. NESS FOR HIS YEARS OF SERVICE AND OUTSTANDING CONTRIBUTIONS TO THE IDAHO TRANSPORTATION DEPARTMENT AND TO THE PEOPLE OF IDAHO AND WISHING HIM WELL IN HIS RETIREMENT.

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

WHEREAS, Idaho Transportation Department (ITD) Director Brian W. Ness will retire on May 27, 2022; and

WHEREAS, Director Ness served as an employee of the Iowa Department of Transportation for three years and of the Michigan Department of Transportation for 30 years; and

WHEREAS, Director Ness is the Idaho Transportation Department's longest-serving director, at over 12 years; and

WHEREAS, under Director Ness's leadership the department successfully reorganized by eliminating layers of management from nine to five; and

WHEREAS, during Director Ness's tenure, the department reduced red tape by 45%; and

WHEREAS, in 2015, Director Ness worked with the Legislature and Governor to secure additional transportation funding for the first time in two decades; and

WHEREAS, Director Ness initiated an innovation program that utilizes thousands of ideas from frontline employees and has resulted in millions of dollars in savings and efficiencies; and

WHEREAS, Director Ness has made ITD a model for all other state agencies in terms of customer service, employee satisfaction, and cost-cutting solutions to everyday problems; and

WHEREAS, many of the programs and policies Director Ness created at ITD have been adopted as regional and national models; and

WHEREAS, Director Ness has led ITD to be recognized as a national leader in innovation by numerous organizations, including the Federal Highway Administration, the National Cooperative Highway Research Program, and the American Association of State Highway and Transportation Officials; and

WHEREAS, Director Ness has been called on by the White House and United States Congress to give voice to rural states like Idaho; and

WHEREAS, the department has won 20 American Association of State Highway Technical Officials President's Awards, more than any other state in the country; and

WHEREAS, the department has received 175 national awards and employee honors during his leadership; and

WHEREAS, in 2021, Director Ness worked with Governor Brad Little and the Legislature to secure \$60 million in new, ongoing transportation revenue as well as onetime investments as part of Governor Little's "Leading Idaho" plan for statewide transportation and congestion mitigation projects; and

WHEREAS, Director Ness's leadership, innovative thinking, and hard work have truly left a mark on the department.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-sixth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we commend Brian W. Ness for his positive contributions and his years of service to the Idaho Transportation Department and the State of Idaho and wish him well in his retirement.

Adopted by the House February 16, 2022

Adopted by the Senate March 1, 2022

(H.C.R. No. 34)

## A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND RESOLVING THAT THE LEGISLATURE FORMALLY ACKNOWLEDGES THE LOSS OF ALL OF IDAHO'S FALLEN MINERS, THEIR FAMILIES, AND THE MEMBERS OF MINE RESCUE AND RESOLVING THAT MAY 2 OF EVERY YEAR FROM 2022 FORWARD SHALL BE KNOWN IN IDAHO AS "MINERS' MEMORIAL DAY."

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

WHEREAS, mining in Idaho predates the state's acceptance into the United States, and the abundance of minerals brought many to this great state and caused the establishment of many of its communities; and

WHEREAS, the Idaho Legislature has often recognized the importance of mining in Idaho; and

WHEREAS, prior legislatures felt so strongly about the importance of mining and natural resources that they placed a miner prominently on the Great Seal of the State of Idaho and nicknamed the state "The Gem State"; and

WHEREAS, the miners have been called upon by the United States government in times of war to produce the raw materials needed to strategically defend the country; and

WHEREAS, for over a century, miners have ensured that all Idahoans and Americans have the means to enjoy a modern lifestyle in every manner; and

WHEREAS, miners in early Idaho worked in untrammelled and hazardous environments; and

WHEREAS, on May 2, 1972, a great fire broke out in the Sunshine Mine in the Silver Valley, tragically taking the lives of 91 miners; and

WHEREAS, through this tragic event, the industry has combined innovation with institutional knowledge to greatly reduce hazards to assure miners return home safely at shift's end; and

WHEREAS, innovation in health and safety standards continues to make hardrock and surface mining one of the safest industrial professions in Idaho; and

WHEREAS, every year on May 2, those who were affected gather from all over the world to remember these 91 miners, the mine rescue teams who worked tirelessly to rescue and recover the miners, those who have passed at area mines since 1972, and the families and community members; and

WHEREAS, May 2, 2022, will mark the 50th anniversary of the Sunshine Mine disaster.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-sixth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we formally acknowledge the loss of all of Idaho's fallen miners, their families, and the members of mine rescue.

BE IT FURTHER RESOLVED that May 2 of every year from 2022 forward shall be known in Idaho as "Miners' Memorial Day."

Adopted by the House February 23, 2022

Adopted by the Senate March 11, 2022

(H.C.R. No. 35)

## A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND RECOGNIZING THE OUTSTANDING CONTRIBUTIONS THAT LOUISE MCCLURE MADE TO THE PEOPLE OF IDAHO THROUGH HER SELFLESS PUBLIC SERVICE AND COMMITMENT TO THE ARTS AND RECOGNIZING MARCH 30, 2022, AS "LOUISE MCCLURE DAY" IN HONOR OF HER EXTRAORDINARY IMPACT ON IDAHO AND THE WORLD.

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

WHEREAS, Louise Miller McClure was born March 30, 1928, in Troy, Idaho, to wheat farmers Claude and Dorothy Miller and grew up in Nezperce, Idaho, along with her older brother, Duane. She began school in a one-room schoolhouse, riding there behind her brother on their horse. Her lifelong love of music and the arts began early, with public performances at the age of five that continued through high school by playing the piano for community dances; and

WHEREAS, in 1946, she graduated from Nezperce High School as valedictorian and continued her studies at the University of Idaho. She pursued a bachelor's degree in music and education at a time when most young women were content to find a future in their own backyards. Her time at the University of Idaho and in the Greek system as a member of the Delta Delta Delta sorority was transformative. It was during these four years that she established her reputation of leadership, commitment to service, and a life guided by fairness, intelligence, and grace. While at the University of Idaho, she captured the mind and heart of a young law student, James A. McClure. She was singing as a soprano soloist with the University of Idaho choir, the "Vandalers," when she met Jim, who sang bass in the choir. To the joy of their friends, family, and many acquaintances throughout their lifetime, Jim and Louise often lead groups in song, from the Star Spangled Banner to the Idaho State Song and the University of Idaho Alma Mater, "Here We Have Idaho." After she graduated in 1950 with a BA degree in Music, Phi Beta Kappa, Jim and Louise married and moved to Payette, where Jim practiced law with his father; and

WHEREAS, Louise continued her enduring commitment to enriching her local community, which included joining the Payette P.E.O., Friday Musicale, a couples bridge club, and directing the church choir, while raising their three children, Marilyn, Ken, and David; and

WHEREAS, Jim was also busy starting his political career, eventually leading to state and national responsibilities. He served as the Payette County prosecuting attorney, served as an Idaho state senator, was a three-term member of Congress (1967-1972) representing the First District of Idaho, and was elected three times to the United States Senate (1973-1991). Louise was his full partner in campaigning and influencing, and, with her warm, outgoing personality, she made loyal, lifelong friends across Idaho, in Washington, D.C., and the world; and

WHEREAS, in Washington, D.C., she joined the Congressional Club and the International Club, whose members included wives of senators, congressmen, ambassadors, and journalists. The women forged influential international friendships. When Jim was elected to the Senate, Louise became actively engaged with the Senate Wives' Club, which organized to serve the International Red Cross and impact other important issues. While furthering the mission of the International Red Cross, the Senate Wives, later called Senate Spouses, hosted a First Lady Luncheon every year. These events facilitated professional networking, enhanced idea exchange, and fostered lifelong friendships, like the relationship between "Mrs. James A. McClure" and "Mrs. George H.W. Bush" and their families. Congressional families are integral to robust policymaking. Entertaining dignitaries, visiting communities, representing constituents, and advocating are all part and parcel of the job of a congressional spouse. Louise was precisely the kind of leader who led the charge into the activities that built relationships and fostered collaborations. Her service was an absolute necessity on innumerable occasions, ranging from international events to hosting dignitaries. The relationships cultivated in the International Club were so important in these settings. Louise's leadership, organization, and strategic thinking complemented and provided the kind of counsel that Senator McClure needed to

navigate and negotiate a nearly 30-year stellar career in Idaho and federal politics; and

WHEREAS, Louise met a tremendous number of leaders and spouses while traveling as part of delegations and attending receptions and dinners. She had the honor and pleasure of meeting all United States presidents and first ladies from President Lyndon B. Johnson and First Lady "Lady Bird" Johnson through President George W. Bush and First Lady Laura Bush; and

WHEREAS, supporting and fostering the arts, Louise's fine arts education and talents were welcomed in Washington, D.C., and she became recognized as a champion for the arts. In 1983, she was the driving force for "Sawtooths and Other Ranges of the Imagination," an Idaho art exhibit at the Smithsonian American Art Museum in Washington, D.C. In 1991, President George H.W. Bush appointed Louise to the National Council on the Arts, the body that oversees the National Endowment for the Arts (NEA). She helped guide the NEA through a particularly challenging period during her six-year term of service. Louise was a formidable champion, advocating tenaciously to Congress and arts leadership for continued support of the NEA; and

WHEREAS, in 1990, Louise was honored to sponsor the Navy submarine U.S.S. Boise, christening it by smashing a champagne bottle across its bow, leading to lifelong relationships with its crew; and

WHEREAS, when her time in Washington, D.C., had ended, Louise focused on advancing communities and the arts in Idaho. She served on the Boise Philharmonic, Parents and Youth Against Drug Abuse, Boise State Radio, and the Women's and Children's Alliance. In 2010, Idaho Governor C.L. "Butch" Otter honored Louise and Jim by bestowing them with the Lifetime Achievement Award at the Governor's Awards in the Arts; and

WHEREAS, Louise also took great pride in serving the University of Idaho, sharing her leadership on numerous college and department advisory boards, including the University Foundation; Lionel Hampton Jazz Festival; College of Letters, Arts and Social Sciences; and the Martin Institute. Jim and Louise served as honorary cochairs of the "Campaign for Idaho" alongside Malcolm and Carol Renfrew and Frank and Harriett Shrontz from 2000 to 2004. The campaign was the first successful comprehensive campaign in University of Idaho history, thanks in large part to the efforts of the McClures and many other volunteers. Her service to the University of Idaho was honored with the President's Medallion, Alumni Hall of Fame Award, and Distinguished Idahoan Award. The university awarded her an honorary doctorate of Humane Letters in 2012 and chose her to be commencement speaker in 2014; and

WHEREAS, the McClures also worked tirelessly to establish the James A. and Louise McClure Center for Public Policy Research based at the University of Idaho, recognizing the importance of solid facts and well-researched science to making sound public policy decisions. Louise was gratified to see it become an important contribution to the development of public policy and understanding in Idaho; and

WHEREAS, throughout her life, Louise was an involved citizen, concerned about the civic life of our world. She always remained an engaged and engaging farm girl from a small town in Idaho who grew up to live a storied life, meeting presidents, the Pope, kings and queens, Mother Teresa, famous artists and musicians, and impacting the lives of so many people in Idaho and around the world. In addition to U.S. presidents and dignitaries, other notable international leaders and royalty she met include those from Britain, Egypt, Jordan, Saudi Arabia, and Thailand. Over her life, Louise visited more than 80 countries. Forging connections with the partners and families of world leaders was integral to Senator McClure's success, bridging policymaking and community making; and

WHEREAS, Louise passed away on September 19, 2021. Due to the pandemic, no services in honor of Louise were held. Louise is missed by her many friends, and in particular by her family, including her daughter Marilyn Roach (Randy), her son Ken (Sally), her son David (Cheryl), grandchildren Emily McClure (Trevor Lindsay), Katie Moon (Jarrett), Dillon Roach (Holly), Eileen Archer (Scott), Joel McClure (Shanin), Kevin McClure (Melissa), and seven great-grandchildren.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-sixth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the State of Idaho recognizes the outstanding contributions that Louise McClure made to the people of Idaho through her selfless public service and commitment to the arts.

BE IT FURTHER RESOLVED that the Idaho Legislature will recognize March 30, 2022, as "Louise McClure Day" in honor of her extraordinary impact on Idaho and the world.

Adopted by the House February 24, 2022

Adopted by the Senate March 23, 2022

(H.C.R. No. 37)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND APPROVING ADMINISTRATIVE RULES THAT IMPOSE A FEE OR CHARGE, AS APPROVED BY THE HOUSE AGRICULTURAL AFFAIRS COMMITTEE AND THE SENATE AGRICULTURAL AFFAIRS COMMITTEE.

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

WHEREAS, the Legislature pursuant to Section 67-5224, Idaho Code, must approve certain administrative rules that impose a fee or charge by adoption of a concurrent resolution before the rules become effective; and

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, the House Agricultural Affairs Committee and the Senate Agricultural Affairs Committee reviewed rules that impose a fee or charge adopted by the Department of Agriculture, the Idaho Hop Growers' Commission, the Idaho State Police/State Brand Board, the Idaho Wheat Commission, the Idaho Oilseed Commission, the Idaho Beef Council, and the Idaho Barley Commission.

WHEREAS, the Legislature finds that it is in the public interest to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-sixth Idaho Legislature, the House of Representatives and the Senate concurring therein, that all pending administrative rules or portions of pending administrative rules that impose a fee or charge reviewed by the House Agricultural Affairs Committee and the Senate Agricultural Affairs Committee adopted by the Department of Agriculture, the Idaho Hop Growers' Commission, the Idaho State Police/State Brand Board, the Idaho Wheat Commission, the Idaho Oilseed Commission, the Idaho Beef Council, and the Idaho Barley Commission pursuant to the Administrative Procedure Act during the prior calendar year, and submitted through the Office of the Administrative Rules Coordinator to the Legislature for review during the 2022 legislative session be, and the same are approved.

Adopted by the House March 7, 2022

Adopted by the Senate March 15, 2022

(H.C.R. No. 38)

## A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND ENCOURAGING THE STATE BOARD OF EDUCATION TO REQUEST FUNDING FOR ADDITIONAL SLOTS FOR IDAHO STUDENTS PURSUING A MEDICAL EDUCATION IN THE WWAMI REGIONAL MEDICAL EDUCATION PROGRAM.

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

WHEREAS, 98.7% of Idaho is designated as a primary care health professional shortage area by the federal government; and

WHEREAS, among Idaho counties, only Ada and Blaine are not considered primary care health professional shortage areas; and

WHEREAS, as of 2018, Idaho had only 192.6 active physicians per 100,000 population, ranking 49th among the states, compared to a rate of 449.5 active physicians per 100,000 population in Massachusetts, which ranked first; and

WHEREAS, physician shortages can be associated with poorer health outcomes and an increase in premature and preventable deaths; and

WHEREAS, one purpose of the WWAMI Regional Medical Education Program is to increase the number of practicing physicians, particularly primary care physicians, in the five member states of Washington, Wyoming, Alaska, Montana, and Idaho; and

WHEREAS, Idaho currently supports a cohort of 40 Idaho students in the WWAMI program each year; and

WHEREAS, investing in additional Idaho WWAMI slots is a key part of the solution to alleviating Idaho's physician shortage.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-sixth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislature encourages the State Board of Education to request funding for five additional WWAMI slots for Idaho students beginning in fiscal year 2025.

BE IT FURTHER RESOLVED that the Legislature encourages the State Board of Education to request another five WWAMI slots for Idaho students beginning in fiscal year 2027.

BE IT FURTHER RESOLVED that, subject to available funding, it is the Legislature's goal to fund a cohort of at least 50 Idaho students in WWAMI per year, with the increased slots established and funded in two phases.

Adopted by the House March 7, 2022

Adopted by the Senate March 21, 2022

(H.C.R. No. 39)

## A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE STATE BOARD OF EDUCATION RELATING TO RULES GOVERNING THOROUGHNESS.

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

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the State Board of Education relating to Rules Governing Thoroughness are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-sixth Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 08.02.03, Rules Governing Thoroughness, Section 004., Subsections 01.d., 01.h., and 01.j., Docket Number 08-0000-2100, Rules of the State Board of Education, only, be, and the same are hereby rejected and declared null, void, and of no force and effect as of July 1, 2022.

BE IT FURTHER RESOLVED that the portions of rules referenced in this resolution be rejected notwithstanding any statement of the State Board of Education to the contrary pertaining to the effectiveness of such rules.

Adopted by the House March 7, 2022

Adopted by the Senate March 15, 2022

(H.C.R. No. 41)

## A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND DIRECTING THE IDAHO ENDOWMENT FUND INVESTMENT BOARD TO DIVEST ITSELF OF RUSSIAN GOVERNMENT ASSETS AND TO DISCLOSE CERTAIN INVESTMENTS RELATED TO RUSSIA.

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

WHEREAS, the Russian government has engaged in an unprovoked and unjustified attack and military assault upon the country of Ukraine; and

WHEREAS, the Russian government's actions against Ukraine will cause Russia enormous expense, will divert Russian government resources in support of such actions, and will harm the Russian economy; and

WHEREAS, economic actions being taken by other countries in the world will further disrupt Russia's economy and impair the viability of Russian products and companies and its government; and

WHEREAS, the Idaho Legislature condemns the conduct of the Russian government; and

WHEREAS, those who benefit from funds and investments will have their benefits put at higher risk if investments are made in Russia.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-sixth Idaho Legislature, the House of Representatives and the Senate concurring therein, that investments in currency, assets of the Russian government, companies domiciled in Russia, companies that use Russian materials in the production of products, or any company that markets or promotes Russian products of any kind are investments that are at significant risk of substantial loss and are not in the best interest of the beneficiaries of the Idaho Endowment Fund or the State of Idaho.

BE IT FURTHER RESOLVED that the Idaho Legislature advises the Idaho Endowment Fund Investment Board to make a good faith effort to immediately sell, trade, or otherwise completely divest itself of any asset of Russian currency. In addition, the Idaho Endowment Fund Investment Board should make a good faith effort to immediately sell, trade, or completely divest itself of any other investment in any Russian government asset. Within seven days, the Idaho Endowment Fund Investment Board should review and publicly disclose all other investments it has in any company domiciled in Russia, in any company that significantly uses Russian materials in the production of products, and in any company that markets or promotes Russian products of any kind.

Adopted by the House March 8, 2022

Adopted by the Senate March 15, 2022

(H.C.R. No. 42)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND APPROVING PENDING RULES THAT IMPOSE A FEE OR CHARGE REVIEWED BY THE HOUSE TRANSPORTATION AND DEFENSE COMMITTEE.

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

WHEREAS, the Legislature pursuant to Section 67-5224, Idaho Code, must approve certain administrative rules that impose a fee or charge by adoption of a concurrent resolution before the rules become effective; and

WHEREAS, the Legislature is vested with authority under the provisions of Section 67-5291, Idaho Code, to reject executive agency rules that are not consistent with legislative intent; and

WHEREAS, the House Transportation and Defense Committee reviewed rules that impose a fee or charge adopted by the Idaho Transportation Department; and

WHEREAS, the Legislature finds that it is in the public interest to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-sixth Idaho Legislature, the House of Representatives and the Senate concurring therein, that fee rules adopted by the Idaho Transportation Department, pursuant to the Administrative Procedure Act and submitted through the Office of Rules Coordinator to the Legislature for review during the 2022 legislative session and reviewed by the House Transportation and Defense Committee, be, and the same are approved.

Adopted by the House March 7, 2022

Adopted by the Senate March 21, 2022



(H.C.R. No. 45)

## A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING CERTAIN RULES OF THE STATE BOARD OF EDUCATION RELATING TO RULES GOVERNING ADMINISTRATION, RULES GOVERNING UNIFORMITY, AND RULES GOVERNING THOROUGHNESS.

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

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the State Board of Education relating to Rules Governing Administration, Rules Governing Uniformity, and Rules Governing Thoroughness are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-sixth Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 08, Chapter 08.02.01, Rules Governing Administration, Section 801., Subsection 02.f.; Chapter 08.02.02, Rules Governing Uniformity, Section 004., Subsection 01.; and Chapter 08.02.03, Rules Governing Thoroughness, Section 105., Subsection 01.d.ii., iii., and iv., and Section 112., Subsection 03.a.ii. and b.ii., adopted as pending rules under Docket Number 08-0000-2100, only, be, and the same are hereby rejected and declared null, void, and of no force and effect.

Adopted by the House March 8, 2022

Adopted by the Senate March 15, 2022

(H.C.R. No. 47)

## A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND APPROVING FEE RULES REVIEWED BY THE HOUSE HEALTH AND WELFARE COMMITTEE AND THE SENATE HEALTH AND WELFARE COMMITTEE.

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

WHEREAS, the Legislature pursuant to Section 67-5224, Idaho Code, must approve certain administrative rules that impose a fee or charge by adoption of a concurrent resolution before the rules become effective; and

WHEREAS, the Legislature is vested with authority under the provisions of Section 67-5291, Idaho Code, to reject executive agency rules that are not consistent with legislative intent; and

WHEREAS, the House Health and Welfare Committee and the Senate Health and Welfare Committee reviewed rules that impose a fee or charge adopted by the Department of Health and Welfare as set forth in Docket No. 16-0000-2100F; and

WHEREAS, the House Health and Welfare Committee and the Senate Health and Welfare Committee reviewed rules that impose a fee or charge adopted by the Division of Occupational and Professional Licenses that relate to health care as set forth in Docket No. 24-0000-2100F and found these rules to be consistent with legislative intent and should therefore be approved by the committees to which this docket was assigned; and

WHEREAS, the Legislature finds that it is in the public interest to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-sixth Idaho Legislature, the House of Representatives and the Senate concurring therein, that fee rules adopted by the Department of Health and Welfare, as set forth in Docket No. 16-0000-2100F, pursuant to the Administrative Procedure Act and submitted through the Office of Rules Coordinator to the Legislature for review during the 2022 legislative session and reviewed by the House Health and Welfare Committee and the Senate Health and Welfare Committee, be, and the same are approved.

Adopted by the House March 8, 2022

Adopted by the Senate March 15, 2022

(H.C.R. No. 48)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND APPROVING FEE RULES REVIEWED BY THE HOUSE BUSINESS COMMITTEE AND THE SENATE COMMERCE AND HUMAN RESOURCES COMMITTEE.

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

WHEREAS, the Legislature pursuant to Section 67-5224, Idaho Code, must approve certain administrative rules that impose a fee or charge by adoption of a concurrent resolution before the rules become effective; and

WHEREAS, the Legislature is vested with authority under the provisions of Section 67-5291, Idaho Code, to reject executive agency rules that are not consistent with legislative intent; and

WHEREAS, the House Business Committee and the Senate Commerce and Human Resources Committee reviewed rules that impose a fee or charge adopted by the Department of Finance, Department of Insurance, and Grape Growers and Wine Producers Commission; and

WHEREAS, the Legislature finds that it is in the public interest to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-sixth Idaho Legislature, the House of Representatives and the Senate concurring therein, that fee rules adopted by the Department of Finance, Department of Insurance, and Grape Growers and Wine Producers Commission, pursuant to the Administrative Procedure Act and submitted through the Office of Rules Coordinator to the Legislature for review during the 2022 legislative session and reviewed by the House Business Committee and the Senate Commerce and Human Resources Committee, be, and the same are approved.

Adopted by the House March 15, 2022

Adopted by the Senate March 23, 2022

(H.C.R. No. 49)

## A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND APPROVING FEE AND NON-FEE RULES REVIEWED BY THE HOUSE COMMERCE AND HUMAN RESOURCES COMMITTEE.

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

WHEREAS, the Legislature is vested with authority to reject executive agency rules that are not consistent with legislative intent pursuant to Section 67-5291, Idaho Code, and to approve executive agency rules under the provisions of Section 29, Article III of the Idaho Constitution; and

WHEREAS, the Legislature pursuant to Section 67-5224, Idaho Code, must approve certain administrative rules that impose a fee or charge by adoption of a concurrent resolution before the rules become effective; and

WHEREAS, the Legislature finds that it is in the public interest to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-sixth Idaho Legislature, the House of Representatives and the Senate concurring therein, that fee and non-fee rules adopted by the Division of Human Resources and Personnel Commission, Industrial Commission, Department of Commerce, PERSI (Public Employees Retirement System of Idaho), Division of Veterans Services, and Department of Labor, including IDAPA 09.01.30, Unemployment Insurance Benefits Administration Rules, Section 525., Subsection 10., Docket Number 09-0000-2100, that was rejected by the Senate Commerce and Human Resources Committee, pursuant to the Administrative Procedure Act and submitted through the Office of Rules Coordinator to the Legislature for review during the 2022 legislative session and reviewed by the House Commerce and Human Resources Committee, be, and the same are approved.

BE IT FURTHER RESOLVED that, if any non-fee rule was assigned to but was not reviewed by the House Commerce and Human Resources Committee, such rule shall take effect upon conclusion of the legislative session, or as provided in rule, pursuant to Section 67-5224, Idaho Code.

Adopted by the House March 15, 2022

Adopted by the Senate March 23, 2022

(H.C.R. No. 50)

## A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND APPROVING AND EXTENDING FEE, NON-FEE, AND PROCLAMATION RULES REVIEWED BY THE HOUSE JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE AND THE SENATE JUDICIARY AND RULES COMMITTEE.

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

WHEREAS, the Legislature is vested with authority to reject executive agency rules that are not consistent with legislative intent pursuant to Section 67-5291, Idaho Code, and to approve executive agency rules under the provisions of Section 29, Article III of the Idaho Constitution; and

WHEREAS, the Legislature pursuant to Section 67-5224, Idaho Code, must approve certain administrative rules that impose a fee or charge by adoption of a concurrent resolution before the rules become effective; and

WHEREAS, the Legislature finds that it is in the public interest to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-sixth Idaho Legislature, the House of Representatives and the Senate concurring therein, that fee, non-fee, and proclamation rules adopted by the Department of Juvenile Corrections, Board of Correction, Idaho State Police - Public Safety, Idaho State Police - POST, Commission of Pardons and Parole, Sexual Offender Management Board, and Idaho State Police, not including IDAPA 11.10.03, Rules Governing the Sex Offender Registry, Section 012., Subsection 06.a. and 06.e., Docket Number 11-0000-2100, only, pursuant to the Administrative Procedure Act and submitted through the Office of Rules Coordinator to the Legislature for review during the 2022 legislative session and reviewed by the House Judiciary, Rules, and Administration Committee and the Senate Judiciary and Rules Committee, be, and the same are approved.

BE IT FURTHER RESOLVED that, if any non-fee rule was assigned to but was not reviewed by the House Judiciary, Rules, and Administration Committee and the Senate Judiciary and Rules Committee, such rule shall take effect upon conclusion of the legislative session, or as provided in rule, pursuant to Section 67-5224, Idaho Code.

BE IT FURTHER RESOLVED that, except as provided in this concurrent resolution, every rule of Department of Juvenile Corrections, Board of Correction, Idaho State Police - Public Safety, Idaho State Police - POST, Commission of Pardons and Parole, Sexual Offender Management Board, and Idaho State Police, not including IDAPA 11.10.03, Rules Governing the Sex Offender Registry, Section 012., Subsection 06.a. and 06.e., Docket Number 11-0000-2100, only, as that term is defined in Section 67-5201, Idaho Code, shall continue in full force and effect until July 1, 2023, at which time they shall expire and be of no further force and effect as provided in Section 67-5292, Idaho Code.

BE IT FURTHER RESOLVED that a rule or partial rule approved by this concurrent resolution shall remain in effect until it expires by its own terms, but in no event shall a rule remain in effect beyond July 1, 2023, or the conclusion of the First Regular Session of the Sixty-seventh Idaho Legislature, whichever is applicable, unless it is further extended by adoption of a concurrent resolution by both houses of the Legislature. Rules or sections of rules that are excepted from approval hereunder shall expire upon adjournment of the Second Regular Session of the Sixty-sixth Idaho Legislature, unless approved by adoption of a separate concurrent resolution by both houses of the Legislature.

Adopted by the House March 16, 2022

Adopted by the Senate March 23, 2022

(H.C.R. No. 53)

A CONCURRENT RESOLUTION  
STATING FINDINGS OF THE LEGISLATURE AND APPROVING FEE RULES REVIEWED BY THE  
HOUSE EDUCATION COMMITTEE AND THE SENATE EDUCATION COMMITTEE.

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

WHEREAS, the Legislature pursuant to Section 67-5224, Idaho Code, must approve certain administrative rules that impose a fee or charge by adoption of a concurrent resolution before the rules become effective; and

WHEREAS, the Legislature is vested with authority under the provisions of Section 67-5291, Idaho Code, to reject executive agency rules that are not consistent with legislative intent; and

WHEREAS, the House Education Committee and the Senate Education Committee reviewed rules that impose a fee or charge adopted by the State Board of Education; and

WHEREAS, the Legislature finds that it is in the public interest to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-sixth Idaho Legislature, the House of Representatives and the Senate concurring therein, that fee rules adopted by the State Board of Education, pursuant to the Administrative Procedure Act and submitted through the Office of Rules Coordinator to the Legislature for review during the 2022 legislative session and reviewed by the House Education Committee and the Senate Education Committee, be, and the same are hereby approved.

Adopted by the House March 18, 2022

Adopted by the Senate March 23, 2022



# **EXECUTIVE ORDERS**





EXECUTIVE ORDER NO. 2021-05REPEAL OF EXECUTIVE ORDER 2020-11

WHEREAS, on March 13, 2020, I issued a proclamation declaring a state of disaster emergency pursuant to Chapter 10, Title 46, Idaho Code, due to the occurrence and threat to public health and safety arising from the effects of the COVID-19 pandemic; and

WHEREAS, I subsequently extended and reissued proclamations for the continued state of disaster emergency pursuant to Chapter 10, Title 46, Idaho Code, which state of disaster emergency remains in effect today due to the COVID-19 pandemic's ongoing threats to public health and safety; and

WHEREAS, pursuant to Idaho Code § 46-1008(5)(a), the Legislature granted to the Governor the authority to suspend the provisions of any regulations that prevent, hinder, or delay necessary action in coping with the emergency; and

WHEREAS, on June 11, 2020, and pursuant to Idaho Code § 46-1008(5)(a), I issued Executive Order No. 2020-11, Related to the Idaho Department of Labor, in which I suspended provisions of various regulations, including but not limited to Idaho Code § 72-1301, et seq., that prevented the State from taking necessary action in coping with the public health emergency due to the COVID-19 pandemic; and

WHEREAS, the regulations suspended in Executive Order 2020-11 no longer prevent, hinder, or delay necessary action in coping with the emergency; and

WHEREAS, pursuant to Idaho Code § 67-802, executive orders that I issue may be modified or repealed by issuance of a new executive order.

NOW, THEREFORE, I, Brad Little, Governor of the State of Idaho, pursuant to Idaho Code § 67-802, hereby repeal Executive Order 2020-11 effective April 24, 2021; provided that, the repeal of such order shall not invalidate, rescind, or otherwise alter any actions taken by the Idaho Department of Labor relating to unemployment or federal pandemic relief benefits while Executive Order 2020-11 was in effect.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho in Boise on this 23rd day of April in the year of our Lord 2021.

BY THE GOVERNOR:

/s/ Lawrence Denney  
SECRETARY OF STATE

/s/ Brad Little

GOVERNOR OF THE STATE OF IDAHO

EXECUTIVE ORDER NO. 2021-06REPEAL AND REPLACEMENT OF EXECUTIVE ORDER 2021-03

WHEREAS, the widespread administration of vaccines that are safe and effective against the 2019 novel coronavirus ("COVID-19") is essential to ending the COVID-19 public health emergency, protecting the health and well-being of Idahoans, and returning the Idaho economy and our way of life back to normal as soon as possible; and

WHEREAS, I strongly believe that Idahoans are entitled to the utmost transparency in state government and that transparency with Idaho's distribution and administration of the COVID-19 vaccines is critical; and

WHEREAS, on January 28, 2021, I signed Executive Order No. 2021-03 to ensure "Transparency in the Administration of the COVID-19 Vaccine" and to improve the timely and efficient distribution of the COVID-19 vaccines; and

WHEREAS, Executive Order No. 2021-03 and the COVID-19 Vaccine Data Dashboard located at coronavirus.idaho.gov have been essential in keeping Idahoans informed as to the number of doses of vaccines received from the Centers for Disease Control and Prevention (CDC) and the speed and efficiency with which those doses are administered throughout Idaho; and

WHEREAS, more than 600,000 Idahoans have chosen to receive a COVID-19 vaccine and, since April 5, 2021, all Idahoans aged 16 and older have been eligible to receive at least one of the COVID-19 vaccines regardless of their medical condition or occupation; and

WHEREAS, executive action remains necessary to maintain transparency in the receipt and administration of the COVID-19 vaccines that the CDC allocates to Idaho; and

WHEREAS, pursuant to Idaho Code 67-802, the Governor may modify or repeal any executive order by issuance of a new executive order.

NOW, THEREFORE, I, Brad Little, Governor of the State of Idaho, by virtue of the authority vested in me by Idaho Code, the Constitution of the United States, and the Constitution of the State of Idaho including, but not limited to Article IV, Section 5, do hereby proclaim and declare as follows:

1. Effective May 1, 2021, Executive Order No. 2021-03 is hereby repealed and replaced by this new order.
2. Starting May 1, 2021, and continuing thereafter until this order is rescinded or expires by operation of law, the Idaho Department of Health and Welfare (IDHW) will obtain the following data from each enrolled COVID-19 vaccine provider:
  - a. The total number of doses allocated to health providers through the public health districts, IDHW and/or the Federal Allocation Program. This information is to be obtained weekly.
  - b. The total number of allocated doses that the health provider has administered. This information is to be obtained daily.
  - c. The total number of allocated doses currently in inventory. This information is to be obtained daily.
3. All enrolled COVID-19 vaccine providers are expected to provide the above-referenced information to IDHW in a timely and organized manner.

4. IDHW will post the above information for each enrolled COVID-19 vaccine provider within the COVID-19 Vaccine Data Dashboard located at [coronavirus.idaho.gov](https://coronavirus.idaho.gov). IDHW will continue to post the required information every business day thereafter until this order is rescinded or expires by operation of law.
5. IDHW shall ensure that no personal health or identifying information of any recipient of a vaccine is posted on its website or otherwise made available to the public.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho in Boise on this 30th day of April in the year of our Lord 2021.

/s/ Brad Little

BY THE GOVERNOR:

GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney  
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2021-07

TERMINATING MASK MANDATES BASED ON THE COVID-19 EMERGENCY

WHEREAS, on March 13, 2020, a Proclamation was issued and subsequently extended, declaring a state of emergency for the entire State of Idaho as a result of the 2019 novel coronavirus ("COVID-19"); and

WHEREAS, scientific studies show that COVID-19 restrictions on individuals and businesses such as social distancing, gathering limitations, and the use of face masks or face coverings of any design have done significant physical, mental, social, and economic harm and were ineffective mitigation measures; and

WHEREAS, serious concerns continue to be raised regarding both short-term and long-term negative effects caused by wearing masks.

WHEREAS, the remaining mask mandates issued by the health districts, public schools, school districts, and political subdivisions of this State due to the COVID-19 fail to serve a public health or safety purpose and unnecessarily restrict the rights and liberties of individuals and business in this State.

NOW, THEREFORE, I, Janice McGeachin, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution of the United States, the Constitution of the State of Idaho, and the laws of the State of Idaho, do hereby proclaim and declare as follows:

1. In order to protect the rights and liberties of the individuals and businesses in the State of Idaho and to accelerate the state's recovery from the COVID-19 emergency, and notwithstanding any local ordinance or emergency order to the contrary:
  - a. Neither the state nor a political subdivision may mandate that an individual in this state must use a face mask, face shield, or other face covering for the purpose of preventing or slowing the spread of a contagious or infectious disease.

- b. An official may not mandate that an individual in this state must use a face mask, face shield, or other face covering for the purpose of preventing or slowing the spread of a contagious or infectious disease;
  - c. A face mask, face shield, or face covering shall not be required by the state, a political subdivision, or an official as a condition for entry, education, employment, or other services; and
  - d. If the state, a political subdivision, or an official recommends using a face mask, face shield, or face covering to prevent or slow the spread of a contagious or infectious disease, such recommendation shall be accompanied by a notice that the recommendation is not mandatory.
2. For purposes of this Executive Order:
- a. "Official" means an officer or an employee of the state or a political subdivision.
  - b. "Political subdivision" means a county, city, public health district, public college, public university, public community college, public technical college, public library, public school, school district, special purpose district, or other district or municipality organized under any general or special law of this state, except the term "political subdivision" does not include any federal building, hospital, or health care facility.
  - c. "State" means the state of Idaho or any of its agencies, boards, commissions, departments, divisions, or institutions, including any state institution of higher education, except the term "state" does not include any federal building, hospital, or health care facility.
3. This Executive Order is effective beginning at 11:00 am on May 27, 2021.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho in Boise on this 27th day of May in the year of our Lord 2021.

BY THE GOVERNOR:

/s/ Janice McGeachin  
GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney  
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2021-08REPEALING EO 2021-07 TO RESTORE LOCAL CONTROL

WHEREAS, as a Republican and conservative Idahoan, I strongly believe that government best serves the people when cities, counties, and other local jurisdictions have the power and autonomy to make decisions at a local level and without undue interference by the state government; and

WHEREAS, the Idaho Constitution, Article XII, Section 2, wisely entrusts counties and cities - not the state government - with the power to pass and enforce local ordinances to protect the health and safety of their constituents; and

WHEREAS, pursuant to Idaho Code §§ 50-304, 39-414, 33-512, and other sections, the Idaho Legislature provides additional flexibility to cities, counties, schools, and public health districts to act as they deem necessary to protect the health and safety of the people they serve; and

WHEREAS, because of my concerns with the appropriateness and efficacy of a statewide mask mandate, I did not issue a statewide mask mandate during the COVID-19 public health emergency; and

WHEREAS, no statewide mask mandate exists now nor has one existed in Idaho at any time during the COVID-19 public health emergency; and

WHEREAS, on May 27, 2021, while I was temporarily working out of the state, the Lieutenant Governor, in her capacity as acting Governor, signed Executive Order No. 2021-07 unilaterally stripping local jurisdictions of their constitutional and statutory authority to take action they deem necessary to preserve public health and safety; and

WHEREAS, Executive Order 2021-07 violates fundamental principles of conservatism by forcing the heavy hand of government on local jurisdictions that are better suited to make unique decisions directly affecting the health and safety of their populations; and

WHEREAS, Executive Order 2021-07 disrespects the rule of law by arbitrarily exercising executive power in a manner contrary to our laws and without consulting stakeholders and our local government counterparts; and

WHEREAS, Executive Order 2021-07 violates the separation of powers doctrine by encroaching on the Legislature's prerogative to make statewide policy and legislatively refine the powers of cities, counties, schools, and public health districts; and

WHEREAS, Executive Order 2021-07 is a near verbatim resurrection by the Lieutenant Governor of House Bill 339a, which was introduced and debated during the 2021 Legislature, but failed to pass both houses due to insufficient support from Idaho's elected policy makers; and

WHEREAS, Executive Order 2021-07 has unacceptable consequences for the state's ability to protect children, veterans, the elderly and infirm, first responders, customers, corrections staff, prisoners, lab technicians, and countless others that the state employs and serves; and

WHEREAS, the Idaho Constitution, Article IV, Section 5, requires the Governor to "see that the laws are faithfully executed;" and

WHEREAS, Idaho Code § 67-802 authorizes the Governor to repeal any executive order by issuance of a new executive order; and

WHEREAS, it is necessary to repeal Executive Order No. 2021-07 in its entirety to reverse the misuse of executive authority, preserve the rule of law, maintain the separation of powers, protect Idahoans, and eliminate any doubt that all Idaho Code provisions, including those identified herein, remain in effect without limitation.

NOW, THEREFORE, I, Brad Little, the duly elected and sworn Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution of the United States, the Constitution of the State of Idaho, and the laws of the State of Idaho including, but not limited to, Idaho Code § 67-802, do hereby proclaim and declare as follows:

1. Executive Order No. 2021-07 is repealed in its entirety, effective immediately.
2. The repeal of Executive Order No. 2021-07 shall apply retroactively to 11:00 a.m. on May 27, 2021.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho in Boise on this 28th day of May in the year of our Lord 2021.

/s/ Brad Little

BY THE GOVERNOR:

GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney  
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2021-09

DEFERRED COMPENSATION PROGRAM FOR EMPLOYEES OF THE STATE OF IDAHO;  
REPEALING AND REPLACING EXECUTIVE ORDER NO. 2017-08

WHEREAS, the Idaho Legislature, by and through the implementation of section 59-513, Idaho Code, has provided for the establishment of a Deferred Compensation Program; and

WHEREAS, a Deferred Compensation Program has been presented to and approved by the Board of Examiners of the State of Idaho by the Deferred Compensation Committee; and

WHEREAS, administrative entities on the state level are necessary for proper implementation and maintenance of the plan;

NOW, THEREFORE, I, Brad Little, the duly elected and sworn Governor of the State of Idaho, by virtue of the authority vested in me under the Constitution and the laws of the State of Idaho, do hereby order the following:

1. The Deferred Compensation Committee - comprised of a representative appointed by the Governor, a representative from the Office of the Attorney General, a representative from the Office of the State Controller, and a representative from the Office of the Secretary of State - is hereby named as the policymaking board for a Deferred Compensation Program subject to the authority vested by law in the Board of Examiners of the State of Idaho.
2. The Deferred Compensation Committee shall make the following decisions concerning the implementation and maintenance of a Deferred Compensation Program subject to the approval of the Board of Examiners:

- a. Selection of a third-party administrator to administer the state's 457 plan, including a Roth option;
  - b. Selection of product companies that sell or offer securities or other assets to the State of Idaho in accordance with a Deferred Compensation Program;
  - c. Approval and monitoring of the marketing program to introduce and explain the Deferred Compensation Program to state employees;
  - d. Review all summary reports produced by the Office of the State Controller and the third-party administrator to ensure proper accounting for all funds;
  - e. Review on a yearly basis the viability of all product companies associated with the Deferred Compensation Program to determine if re-bidding is necessary.
3. The Deferred Compensation Committee, through the third-party administrator, shall:
- a. Ensure that remittances of deferred moneys to the product companies are made from the periodic payroll;
  - b. Review and sign all enrollments, change and claim requests;
  - c. Keep or arrange to keep any necessary files concerning the Deferred Compensation Program;
  - d. Communicate with the state employees concerning routine matters.

This Executive Order shall cease to be in effect four years after its entry into force.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho in Boise on this 9th day of June in the year of our Lord 2021.

BY THE GOVERNOR:

/s/ Brad Little

GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney  
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2021-10TRANSPARENCY IN BUDGETING

WHEREAS, the State of Idaho is currently leading the nation in economic recovery, with revenue collection exceeding pre-pandemic forecasts; and

WHEREAS, the state has a constitutional obligation to have a balanced budget, and it is critical that the state maintain a structurally balanced budget, in which ongoing expenditures do not exceed ongoing revenues; and

WHEREAS, historic and unsustainable levels of federal spending during COVID-19 account for a portion of the state's recent revenue collections and it is important to ensure this short-term revenue collection enhancement does not impede wise long-term budget decision-making; and

WHEREAS, a multiyear expenditure forecast can help the state plan for various future economic conditions, enabling more transparent budgeting; and

WHEREAS, estimating the cost of deferred infrastructure maintenance liability for the state's capital assets can further transparency in budgeting and ensure the state is properly investing in preventative maintenance.

NOW, THEREFORE, I, Brad Little, Governor of the State of Idaho, by virtue of the authority vested in me by the constitution and laws of this state, do hereby direct that:

1. The Division of Financial Management (DFM) develop an expenditure forecast for five (5) state fiscal years. In developing the expenditure forecast, DFM shall:
  - a. Presume that current laws will remain unchanged and thus the forecast shall focus on what is necessary to maintain current operations.
  - b. Collaborate with agencies to forecast their major population and inflation-driven expenses.
  - c. Conduct a budget stress test comparing estimated future revenue to expenditures under various potential economic conditions.
  - d. Produce an initial report by January 11, 2022, outlining its preliminary findings and recommendations. DFM shall also identify the expenses necessary to improve and maintain a multiyear expenditure forecast.
2. The Department of Administration (Department) develop a report on state deferred maintenance liabilities in collaboration with the Permanent Building Fund Advisory Council and any other parties necessary to accomplish the report. In developing the report, the Department shall:
  - a. Develop a consensus definition of deferred maintenance to improve measurement and enable better comparisons across state agencies and institutions.
  - b. Inventory the current cost of deferred infrastructure maintenance liability for the state's capital assets by:
    - i. Agency or institution;
    - ii. Type of maintenance needed; and
    - iii. Timeline necessary to address the maintenance.
  - c. Recommend best practices in funding deferred maintenance needs, including:



- i. Considerations for endowing future maintenance costs with the initial funding of new capital assets;
    - ii. Limiting new capital investments for state agencies and institutions that have significant deferred maintenance liabilities until certain policies are in place; and
    - iii. Objectively evaluating the cost benefit of addressing deferred maintenance compared to asset replacement.
  - d. Establish criteria for prioritization of project funding based on the criticality of the deferred maintenance.
  - e. Produce an initial report by November 15, 2021, outlining its preliminary findings and recommendations. The Department shall also identify the expenses necessary to improve and produce an annual report on deferred maintenance liabilities.
3. State agencies and institutions shall cooperate with DFM and the Department and provide all information necessary to carry out the scope of this executive order.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho in Boise on this 11th day of June in the year of our Lord 2021.

BY THE GOVERNOR:

/s/ Brad Little

GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney  
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2021-11ACTIVATION OF THE IDAHO NATIONAL GUARD  
TO PROVIDE SUPPORT IN RESPONSE TO THE COVID-19 PANDEMIC

WHEREAS, the health and safety of all Idahoans is the greatest priority of our state and its leaders; and

WHEREAS, the Centers for Disease Control and Prevention has labeled the 2019 novel coronavirus (COVID-19) a pandemic that poses a serious public health threat; and

WHEREAS, as of August 30, 2021, there have been over 39 million confirmed cases of COVID-19 and approximately 639,000 deaths in the United States and 220,163 confirmed or probable cases of COVID-19 and 2,331 deaths in Idaho due to COVID-19; and

WHEREAS, rapid community spread has caused some local hospitals to significantly reduce operations to protect its health care workers and caused patients to have to travel or be transported into other counties to be treated for COVID-19 or other illnesses and injuries; and

WHEREAS, the Delta variant of COVID-19 is currently the predominant strain in the United State and Idaho. This variant is more infectious and transmissible when compared to previous variants. Vaccines remain the safest and most effective mitigation tool against COVID-19, including the Delta variant; and

WHEREAS, Idaho's case rate and positivity rate are increasing. As a result, 55 percent of Idaho hospitals are currently reporting stresses on their operations and 62 percent of hospitals are reporting stress due to overall staffing issues. As of August 28, 2021, 500 people were hospitalized with COVID-19 and 155 people were in intensive care. Idaho's rural communities are particularly at risk because of limited health care capacity and staff; and

WHEREAS, due to the increase in COVID-19 patients, some hospitals are diverting patients to other hospitals within the state and, in some instances, to neighboring states. Hospitals in surrounding states are also experiencing a surge of COVID-19 cases and may not be able to receive Idaho patients; and

WHEREAS, the recent surge of COVID-19 cases in Idaho has put a significant strain on health care workers, resulting in staffing shortages across the State. Without health care workers and support staff, hospitals are not able to utilize their full capacity; and

WHEREAS, the Idaho Military Division is committed to maintaining domestic emergency response readiness in the Idaho National Guard and guiding the state, through the Office of Emergency Management, in effectively preparing for, responding to, and recovering from all hazards; and

WHEREAS, Idaho is committed to being prepared and protecting Idahoans from COVID-19. There continues to be a risk to life and the continued operation of public infrastructure as a result of cases of COVID-19 throughout the State of Idaho, and the activation of the Idaho National Guard will assist in our State's battle against this deadly virus.

WHEREAS, on August 17, 2021, I declared an emergency in the state of Idaho due to the ongoing occurrence and imminent threat to public health and safety arising from the effects of COVID-19; and

NOW, THEREFORE, I, Brad Little, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution and laws of this state do hereby order:

1. The activation of members of the Idaho National Guard pursuant to Idaho Code § 46-1008(4) in order to protect life from the occurrence of, and imminent threat from, COVID-19. Up to 150 National Guardsmen are ordered on State Active Duty for a period of thirty (30) days to provide additional support to the State of Idaho in its emergency response to the COVID-19 pandemic.
2. Funding for the activation of National Guardsmen pursuant to this Executive Order will initially be provided from the Disaster Emergency Account established in Idaho Code § 46-1005A and made available to the state in accordance with Idaho Code § 46-1008(5)(b).
3. The Adjutant General of Idaho is authorized to direct activated Idaho Guardsmen as necessary to assist in efforts to respond to and combat the COVID-19 pandemic in Idaho.
4. This Executive Order will remain in effect unless rescinded or amended in writing by the Governor.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 31st day of August in the year of our Lord 2021.

/s/ Brad Little

BY THE GOVERNOR:

GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney  
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2021-12

REPEALING EXECUTIVE ORDER 2021-01

WHEREAS, I signed Executive Order 2019-13, which was later repealed and replaced by Executive Order 2021-01, to temporarily resolve the conflict between state and federal law with respect to interstate transportation of hemp until a more permanent solution on interstate transportation and production could be enacted by the Legislature; and

WHEREAS, the Idaho State Legislature passed and I signed H.B. 126 into law on April 16, 2021, which went into full force and effect immediately upon my signature. In addition to authorizing the production, processing, transportation, and research of industrial hemp in Idaho pursuant to the federal law and requiring the submission of a state plan to the U.S. Department of Agriculture, H.B. 126 regulates the interstate transportation of industrial hemp in a manner that does not make Idaho vulnerable to the illicit drug trade; and

WHEREAS, because of the enactment of H.B. 126, the promulgation of rules at the Idaho State Department of Agriculture under the authority of H.B. 126, and the submission of a state plan to the U.S. Department of Agriculture, special executive action is no longer needed to faithfully carry out the laws of the State of Idaho.

NOW, THEREFORE, I, Brad Little, Governor of the State of Idaho, by virtue of the authority vested in me under the Constitution and the laws of the State of Idaho, do hereby repeal Executive Order 2021-01; provided that the repeal of such order shall not invalidate, rescind, or otherwise alter any action taken by the Idaho State Police, the Idaho State Department of Agriculture, or any peace officer or local law enforcement agency in this state pursuant to such order or the rules promulgated thereunder, while such order was in effect.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 31st day of August in the year of our Lord 2021.

/s/ Brad Little

BY THE GOVERNOR:

GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney  
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2021-13

BANNING VACCINE PASSPORTS AND MANDATORY TESTING

WHEREAS, Idaho law does not require Idahoans receive a COVID-19 vaccine, and it is a matter of personal choice; and

WHEREAS, some Idahoans are unable to receive a vaccine due to age, medical condition, religious objection, or philosophical objection; and

WHEREAS, some states are exploring and implementing various "vaccine passport" systems and mandates; and

WHEREAS, California has mandated that children receive a COVID-19 vaccine in order to access either public or private schools; and

WHEREAS, implementing "vaccine passport" requirements violates Idahoans' medical privacy, impedes our economic recovery, encourages prejudice and discrimination, and causes division among our populace; and

WHEREAS, some entities within Idaho are ignoring these problems and still attempting to implement "vaccine passport" systems in violation of Executive Order No. 2021-04; and

WHEREAS, it is contrary to my core values as an Idahoan that any Idahoan should be forced, coerced, or threatened into receiving a vaccine; and

WHEREAS, I believe it is contrary to the principles of a free society for anyone to face prejudice or discrimination for their personal medical decisions; and

WHEREAS, pursuant to Article IV, Section 5 of the Idaho constitution, the supreme executive power of the state is vested in the Governor of Idaho, who shall see that the laws are faithfully executed; and

WHEREAS, pursuant to Idaho Code 67-802, the Governor is authorized and empowered to implement and exercise his constitutional duties by issuing executive orders which shall have the force and effect of law when issued.

NOW, THEREFORE, I, Janice McGeachin, Acting Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution of the United States, the Constitution of the State of Idaho, and the laws of the State of Idaho, do hereby proclaim and declare as follows:

1. No department, agency, board, commission, or other executive branch entity or official of the State of Idaho, including but not limited to the Idaho State Department of Education and all public schools, colleges, and universities shall:
  - a. Require as a condition of accessing state services or facilities that an individual produce proof he or she has received a COVID-19 vaccine, produce proof he or she has tested negative for COVID-19, or reveal his or her COVID-19 vaccination status; or
  - b. Require as a condition of continued or new employment that an individual produce proof he or she has received a COVID-19 vaccine, produce proof he or she has tested negative for COVID-19, or reveal his or her COVID-19 vaccination status; or
  - c. Produce and issue a COVID-19 vaccine passport for the purpose of certifying that an individual has received a COVID-19 vaccine; or
  - d. Provide information of an individual's COVID-19 vaccine status to any person, company, or governmental entity for inclusion in a COVID-19 vaccine passport program.
2. All departments, agencies, boards, commissions, and other executive branch entities of the State of Idaho are directed to immediately take steps to rescind, alter, or suspend any administrative rules in conflict with this Executive Order.
3. This Executive Order does not, and shall not be construed to, prohibit, restrict, or otherwise limit:
  - a. The right of an individual to access his or her own personal health information under state or federal law; or
  - b. The normal operation of Idaho's existing Immunization Reminder Information System (IRIS).
4. This Executive Order is effective beginning at 2:00 pm on October 5, 2021.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho in Boise on this 5th day of October in the year of our Lord 2021.

BY THE GOVERNOR:

/s/ Janice McGeachin  
GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney  
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2021-14REPEALING EXECUTIVE ORDER NO. 2021-13

WHEREAS, on October 5, 2021, I traveled on official business to Texas to meet with several of my fellow Governors to inspect the southern border of the United States and propose specific strategies and solutions to alleviate the crisis and stem the flow of dangerous drugs from entering our respective states.

WHEREAS, prior to my departure from Idaho, I notified Lieutenant Governor Janice McGeachin of my official travels and that my temporary stay in Texas would not hinder my ability to perform any official duties as Idaho's elected Governor. I further notified the Lieutenant Governor that no official business would require her services in an acting Governor capacity.

WHEREAS, on October 5, 2021, before I departed for Texas the Lieutenant Governor sought information on steps to deploy the National Guard to the border and expressed her intention to do so. Further, while I was enroute to Texas, the Lieutenant Governor issued Executive Order No. 2021-13, titled "Banning Vaccine Passports and Mandatory Testing."

WHEREAS, the Lieutenant Governor's actions were without legal authority. I did not direct or authorize the Lieutenant Governor to act in any manner pursuant to Idaho Code § 67-809(1). Nor does my temporary presence in Texas on official business impair my ability to represent the people of Idaho thus necessitating action by another executive to ensure the continuity of state government. The Founders of our Constitution did not permit, nor would they now sanction, a lieutenant governor's actions to subvert or supplant the policies of an otherwise capable, qualified, and duly elected governor.

WHEREAS, that portion of Executive Order No. 2021-13 attempting to prohibit vaccine passports is a redundant and unwarranted use of executive powers. I previously banned COVID-19 vaccine passports on April 7, 2021, by way of Executive Order No. 2021-04, titled "Banning Vaccine Passports."

WHEREAS, that portion of Executive Order No. 2021-13 that irresponsibly seeks to prohibit COVID-19 testing without exception is entirely without basis and will undoubtedly compromise the ability of the state to curb the spread of the deadly disease and protect Idahoans, including children, veterans and the elderly and infirm.

WHEREAS, Idaho Code § 67-802 authorizes the Governor to repeal any executive order by issuance of a new executive order; and

WHEREAS, it is necessary to repeal Executive Order No. 2021-13 in its entirety to reverse the misuse of executive authority, preserve the rule of law, protect Idahoans, and eliminate any confusion created by the Lieutenant Governor's unlawful action.

NOW, THEREFORE, I, Brad Little, the duly elected and sworn Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution of the United States, the Constitution of the State of Idaho, and the laws of the State of Idaho including, but not limited to, Idaho Code § 67-802, do hereby proclaim and declare as follows:

1. Executive Order No. 2021-13 is repealed in its entirety, effective immediately.
2. The repeal of Executive Order No. 2021-13 shall apply retroactively to 2:00 p.m. on October 5, 2021.
3. Executive Order No. 2021-04 will remain in effect.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho in Boise on this 6th day of October at 12:30 p.m. in the year of our Lord 2021.

/s/ Brad Little

BY THE GOVERNOR:

GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney  
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2022-01

GOVERNOR'S TASK FORCE ON CHILDREN AT RISK

WHEREAS, Idaho's children are her most valuable resource; and  
 WHEREAS, it is the responsibility of all Idahoans to provide a community system of support and protection for these children; and  
 WHEREAS, the protection of children from abuse and neglect is in the best interest of all Idahoans;

NOW, THEREFORE, I, Brad Little, Governor of the State of Idaho, by authority vested in me by the Constitution and laws of the State of Idaho, do hereby order the continuance of the Governor's Task Force on Children at Risk.

The Task Force is responsible for developing, establishing, and operating programs designed to improve:

- a. The assessment and investigation of suspected child abuse and neglect cases, including cases of suspected child sexual abuse and exploitation, in a manner that limits additional trauma to the child and the child's family;
- b. The assessment and investigation of cases of suspected child abuse-related fatalities and suspected child neglect-related fatalities;
- c. The investigation and prosecution of cases of child abuse and neglect, including child sexual abuse and exploitation; and
- d. The assessment and investigation of cases involving children with disabilities or serious health-related problems who are suspected victims of child abuse or neglect.

The Task Force shall continue to support a statewide child fatality review team to allow comprehensive and multidisciplinary review of deaths of children younger than 18 years old to identify what information and education may improve the health and safety of Idaho's children.

The Task Force shall be composed of eighteen (18) members appointed by the Governor. The Task Force may request the Governor to provide additional members if it is determined that certain interests are not adequately represented. The membership shall include, but will not be limited to, the following with consideration of geographical representation:

- A member of the law enforcement community;
- A criminal court judge;
- A civil court judge;
- A prosecuting attorney;
- A criminal defense attorney;
- An attorney for children;
- A Court Appointed Special Advocate (CASA) representative;
- A health professional;
- A mental health professional;
- A member of a child protective service agency;
- An individual experienced in working with children with disabilities;
- An adult who is a former victim of child abuse or neglect;
- A member of the Administrative Office of the Courts;
- An individual experienced in working with homeless children/youth (as defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a));
- An individual experienced in working with victims of abuse;
- A person who is a parent and/or a representative of a parent group;
- An education representative; and
- A juvenile justice representative.

The members of the Task Force shall serve at the pleasure of the Governor for a four-year term. Members of the Task Force shall elect their chair from among their members.

The Task Force shall submit a written report by June 1 of each year to document its efforts.

The Department of Health and Welfare shall be the lead agency, providing support for the Task Force, and shall monitor contracts for staff to carry out the activities directed by the Task Force as funding is available.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho on this 13th day of January in the year of our Lord 2022.

BY THE GOVERNOR:

/s/ Brad Little  
GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney  
SECRETARY OF STATE



EXECUTIVE ORDER NO. 2022-02ACTIVATION OF THE IDAHO NATIONAL GUARD TO PROVIDE SUPPORT IN  
RESPONSE TO THE COVID-19 PANDEMIC

WHEREAS, the health and safety of all Idahoans is the greatest priority of our state and its leaders; and

WHEREAS, The Centers for Disease Control and Prevention has labeled the 2019 novel coronavirus (COVID-19) a pandemic that poses a serious public health threat; and

WHEREAS, as of January 7, 2022, there have been over 57 million confirmed cases of COVID-19 and approximately 829,740 deaths in the United States and 325,730 confirmed or probable cases of COVID-19 and 4,223 deaths in Idaho due to COVID-19; and

WHEREAS, rapid community spread has caused some local hospitals to have to significantly reduce operations to protect its health care workers and caused patients to have to travel or be transported into other counties to be treated for COVID-19 or other illnesses and injuries. Idaho's rural communities are particularly at risk because of limited health care capacity and staff; and

WHEREAS, the Omicron variant of COVID-19 is currently the predominant strain in the United State and Idaho. This variant is more infectious and transmissible when compared to previous variants. Vaccines remain the safest and most effective mitigation tool against COVID-19, including the Omicron variant; and

WHEREAS, cases in Idaho have risen sharply in the past several weeks. As a result, hospitals across the state of Idaho are at or nearing capacity. Due to the increase in COVID-19 patients, some hospitals are diverting patients to other hospitals within the state and, in some instances, to neighboring states. Hospitals in surrounding states are also experiencing a surge of COVID-19 cases and may not be able to receive Idaho patients; and

WHEREAS, the recent surge of COVID-19 cases in Idaho has put a significant strain on health care workers, resulting in staffing shortages across the State. Without health care workers and support staff, hospitals are not able to utilize their full capacity; and

WHEREAS, the Idaho Military Division is committed to maintaining domestic emergency response readiness in the Idaho National Guard; and guiding the state, through the Office of Emergency Management, in effectively preparing for, responding to, and recovering from all hazards; and

WHEREAS, Idaho is committed to being prepared and protecting Idahoans from COVID-19. There continues to be a risk to life and the continued operation of public infrastructure as a result of cases of COVID-19 throughout the State of Idaho, and the activation of the Idaho National Guard will assist in our state's battle against this deadly virus.

WHEREAS, on January 7th, 2022, I declared an emergency in the State of Idaho due to the ongoing occurrence and imminent threat to public health and safety arising from the effects of COVID-19; and

NOW, THEREFORE, I, Brad Little, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution and laws of this state do hereby order:

1. The activation of members of the Idaho National Guard pursuant to Idaho Code § 46-1008. Seventy-five National Guardsmen will provide additional support to the State of Idaho for 30 days under Title 32 status, in the ongoing emergency response to the COVID-19 pandemic.
2. This order is essential to protect life or property from the occurrence or imminent threat of the state of disaster emergency threatening the safety of persons or property within the state. This order is narrowly tailored and places no restrictions on the ability to work, provide for one's family, or otherwise contribute to the economy of the State of Idaho.
3. The Federal Emergency Management Agency will reimburse the Department of Defense for all associated cost for Idaho's National Guardsmen response under Title 32.
4. The Adjutant General of Idaho is authorized to direct activated Idaho Guardsmen as necessary to assist in efforts to respond to and combat the COVID-19 pandemic in Idaho.
5. This Executive Order will remain in effect unless rescinded, or amended in writing by the Governor.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 31st day of January in the year of our Lord 2022.

BY THE GOVERNOR:

/s/ Lawrence Denney  
SECRETARY OF STATE

/s/ Brad Little

GOVERNOR OF THE STATE OF IDAHO





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Bd = Board	Com = Commission
Comm = Committee	Dept = Department
DEQ = Department of Environmental Quality	
Dist = District	Div = Division
F&G = Fish and Game	Govt = Government
H&W = Health and Welfare	PUC = Public Utilities Commission
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19-858	Amended . . . . .	Ch.318	-	1029
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20-520	Amended	Ch. 20	-	42
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22-609	Repealed	Ch. 27	-	80
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# **APPENDIX**

# IDAHO STATE OFFICIAL DIRECTORY

## ELECTED OFFICIALS

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Senator James E. Risch (R)  
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Mike Simpson (R), Second District  
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Boise, Idaho 83702

### STATE ELECTED OFFICIALS

GOVERNOR Brad Little (R)

LIEUTENANT GOVERNOR Janice McGeachin (R)

SECRETARY OF STATE Lawrence Denney (R)

STATE CONTROLLER Brandon D Woolf (R)

STATE TREASURER Julie A. Ellsworth (R)

ATTORNEY GENERAL Lawrence G. Wasden (R)

SUPERINTENDENT OF PUBLIC INST. Sherri Ybarra (R)

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 Economic Outlook and Revenue Assessment Committee;  
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 CHAIR-Ethics and House Policy  
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LEGISLATORS BY DISTRICT (Continued)

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6 - LEWIS & NEZ PERCE COUNTIES

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LEGISLATORS BY DISTRICT (Continued)

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 Transportation & Defense

LEGISLATORS BY DISTRICT (Continued)

13 - CANYON COUNTY

**Jeff Agenbroad** (R) Senate ..... 3rd Term  
 PO Box 3510, Nampa 83653  
 Home 466-9315  
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 Banker/Businessman Spouse - Patricia  
 CHAIR-Finance  
 CO-CHAIR-JFAC  
 Change in Employee Compensation Committee; Commerce &  
 Human Resources; Economic Outlook and Revenue Assessment  
 Committee

**Brent J. Crane** (R) House Seat A ..... 8th Term  
 PO Box 86, Nampa 83653  
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 Vice President - Crane Alarm Service Spouse - Rochenda  
 CHAIR-State Affairs  
 Business; Economic Outlook and Revenue Assessment Committee;  
 Ethics and House Policy

**Ben Adams** (R) House Seat B ..... 1st Term  
 1921 Hoover St, Nampa 83686  
 Home 546-9393  
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 Public Speaker Spouse - Rebecca  
 Business; Environment, Energy & Technology; Revenue &  
 Taxation

14 - ADA COUNTY

**C. Scott Grow** (R) Senate ..... 3rd Term  
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 Retired CPA/Business Owner Spouse - Rhonda  
 VICE CHAIR-Local Government & Taxation  
 Economic Outlook and Revenue Assessment Committee;  
 Finance/JFAC;

**Mike Moyle** (R) House Seat A ..... 12th Term  
 MAJORITY LEADER  
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 Agribusiness Spouse - Janet  
 Legislative Council; Resources & Conservation; Revenue &  
 Taxation; Ways & Means

**Gayann DeMordaunt** (R) House Seat B ..... 3rd Term  
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 Small Business Owner/Homemaker Spouse - Reed  
 VICE CHAIR-Transportation & Defense  
 Business; Economic Outlook and Revenue Assessment Committee;  
 Education

15 - ADA COUNTY

**Fred S. Martin** (R) Senate ..... 5th Term  
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 Retired Teacher/Businessman and CEO Spouse - Darla  
 CHAIR-Health & Welfare  
 Commerce & Human Resources; Economic Outlook and Revenue  
 Assessment Committee

**Steve Berch** (D) House Seat A ..... 2nd Term  
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 Businessman  
 Business; Education; Joint Legislative Oversight/JLOC; Local  
 Government

**Codi Galloway** (R) House Seat B ..... 1st Term  
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 Business Owner Spouse - Scott  
 Business; Education; Local Government

16 - ADA COUNTY

**Grant Burgoyne** (D) Senate ..... 4th Term  
 Served 3 terms, House 2008-2014  
 ASSISTANT MINORITY LEADER  
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 Attorney Spouse - Christy  
 Commerce & Human Resources; Joint Millennium Fund  
 Committee; Judiciary & Rules; Legislative Council; State Affairs

**John McCrostie** (D) House Seat A ..... 4th Term  
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 Teacher Spouse - Dave Navarro  
 Education; Ethics and House Policy; Judiciary, Rules &  
 Administration; Legislative Council; Transportation & Defense

**Colin Nash** (D) House Seat B ..... 1st Term  
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 Attorney Spouse - Hailey  
 Appropriations/JFAC; Environment, Energy & Technology;  
 Judiciary, Rules & Administration

LEGISLATORS BY DISTRICT (Continued)

17 - ADA COUNTY

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 Higher Education / Consulting Partner - Graham Wright  
 Agricultural Affairs; Local Government & Taxation; Resources &  
 Environment

**John Gannon** (D) House Seat A ..... 5th Term  
 Served 1 term, House 1990-1992  
 1104 S Johnson St, Boise 83705  
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 Attorney Spouse - Bev  
 Change in Employee Compensation Committee; Ethics and House  
 Policy; Judiciary, Rules & Administration; State Affairs;  
 Transportation & Defense

**Sue Chew** (D) House Seat B ..... 8th Term  
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 Licensed Pharmacist  
 Commerce & Human Resources; Environment, Energy &  
 Technology; Ethics and House Policy; Health & Welfare

18 - ADA COUNTY

**Janie Ward-Engelking** (D) Senate ..... 5th Term  
 Served 1 term, House 2012-2013  
 MINORITY CAUCUS CHAIR  
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 Teacher (Retired) Spouse - Kay Frank  
 Change in Employee Compensation Committee; Commerce &  
 Human Resources; Education; Finance/JFAC; Joint Millennium  
 Fund Committee

**Iana Rubel** (D) House Seat A ..... 5th Term  
 MINORITY LEADER  
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 Attorney  
 CO-CHAIR-Joint Legislative Oversight/JLOC  
 Health & Welfare; Legislative Council; Resources & Conservation;  
 Transportation & Defense; Ways & Means

**Brooke Green** (D) House Seat B ..... 2nd Term  
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 Senior Transportation Planner Spouse - Jeremy Byington  
 Appropriations/JFAC; Business; Ethics and House Policy; Joint  
 Millennium Fund Committee; Legislative Council; Local  
 Government

19 - ADA COUNTY

**Melissa Wintrow** (D) Senate ..... 1st Term  
 Served 3 terms, House 2014-2020  
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 Education  
 Health & Welfare; Judiciary & Rules; Legislative Council;  
 Transportation

**Lauren Necochea** (D) House Seat A ..... 2nd Term  
 ASSISTANT MINORITY LEADER  
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 Commerce & Human Resources; Economic Outlook and Revenue  
 Assessment Committee; Environment, Energy & Technology;  
 Revenue & Taxation; Ways & Means

**Chris Mathias** (D) House Seat B ..... 1st Term  
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 Agricultural Affairs; Resources & Conservation; State Affairs

20 - ADA COUNTY

**Chuck Winder** (R) Senate ..... 7th Term  
 PRESIDENT PRO TEMPORE  
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 Statehouse: Ph null  
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 Businessman Spouse - Dianne  
 Legislative Council; State Affairs; Transportation

**Joe A. Palmer** (R) House Seat A ..... 7th Term  
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 Self-employed Spouse - Leslie  
 CHAIR-Transportation & Defense  
 CO-CHAIR-Legislative Conference Committee  
 Business; State Affairs

**James Holtzclaw** (R) House Seat B ..... 5th Term  
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 Real Estate Broker/Small Business Owner Spouse - Luisa Uribe  
 CHAIR-Commerce & Human Resources  
 CO-CHAIR-Change in Employee Compensation Committee  
 State Affairs; Transportation & Defense

LEGISLATORS BY DISTRICT (Continued)

21 - ADA COUNTY

**Regina M. Bayer** (R) Senate ..... 2nd Term  
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 Real Estate Broker (Retired) Spouse - Dieter  
 VICE CHAIR-Agricultural Affairs  
 Local Government & Taxation

**Steven C. Harris** (R) House Seat A ..... 5th Term  
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 Business Owner Spouse - Wendy  
 CHAIR-Revenue & Taxation  
 Commerce & Human Resources; Economic Outlook and Revenue  
 Assessment Committee; Transportation & Defense

**Greg Ferch** (R) House Seat B ..... 1st Term  
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 Chiropractor Spouse - Angie  
 Business; Health & Welfare

22 - ADA COUNTY

**Lori Den Hartog** (R) Senate ..... 4th Term  
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 Homemaker Spouse - Scott  
 CHAIR-Transportation  
 Agricultural Affairs; Education

**John Vander Woude** (R) House Seat A ..... 6th Term  
 Served 1 term, House 2006-2008  
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 Farmer Spouse - Judy  
 VICE CHAIR-Health & Welfare  
 Economic Outlook and Revenue Assessment Committee;  
 Environment, Energy & Technology; Legislative Council;  
 Resources & Conservation

**Jason A. Monks** (R) House Seat B ..... 5th Term  
 ASSISTANT MAJORITY LEADER  
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 Small Business Owner Spouse - Shelley  
 State Affairs; Transportation & Defense; Ways & Means

23 - ELMORE, OWYHEE & TWIN FALLS COUNTIES

**Christy Zito** (R) Senate ..... 1st Term  
 Served 2 terms, House 2016-2020  
 8821 Old Highway 30, Hammett 83627  
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 Homemaker  
 Agricultural Affairs; Health & Welfare; Judiciary & Rules

**Matthew "Matt" Bundy** (R) House Seat A ..... 1st Term  
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 Teacher/Retired USAF Spouse - Colette  
 Appropriations/JFAC; Business; Local Government

**Megan Blanksma** (R) House Seat B ..... 3rd Term  
 MAJORITY CAUCUS CHAIR  
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 Agribusiness Owner/Operator Spouse - Jeffery  
 Health & Welfare; Resources & Conservation; Transportation &  
 Defense; Ways & Means

24 - TWIN FALLS COUNTY

**Lee Heider** (R) Senate ..... 6th Term  
 1631 Richmond Dr, Twin Falls 83301  
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 Contractor/Broker (Retired) Spouse - Jan  
 VICE CHAIR-Resources & Environment  
 Health & Welfare; Joint Millennium Fund Committee; State Affairs

**Lance Clow** (R) House Seat A ..... 5th Term  
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 Personal Financial Advisor (Retired) Spouse - DeeDee  
 CHAIR-Education  
 Business; Local Government

**Linda Wright Hartgen** (R) House Seat B ..... 2nd Term  
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 Trial Court Administrator (Retired) Spouse - Stephen  
 VICE CHAIR-Judiciary, Rules & Administration  
 Environment, Energy & Technology; Revenue & Taxation

LEGISLATORS BY DISTRICT (Continued)

25 - JEROME & TWIN FALLS COUNTIES

**Jim L. Patrick** (R) Senate ..... 5th Term  
 Served 3 terms, House 2006-2012  
 2231 E 3200 N, Twin Falls 83301  
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 Farmer Spouse - Afton  
 CHAIR-Commerce & Human Resources  
 CO-CHAIR-Change in Employee Compensation Committee  
 Agricultural Affairs; Resources & Environment

**Laurie Lickley** (R) House Seat A ..... 2nd Term  
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 Rancher Spouse - Bill  
 VICE CHAIR-Resources & Conservation  
 Environment, Energy & Technology; Health & Welfare

**Clark Kauffman** (R) House Seat B ..... 5th Term  
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 Farmer Spouse - Debbie  
 CHAIR-Agricultural Affairs  
 Economic Outlook and Revenue Assessment Committee; Resources  
 & Conservation; Revenue & Taxation

26 - BLAINE, CAMAS, GOODING & LINCOLN COUNTIES

**Michelle Stennett** (D) Senate ..... 6th Term  
 MINORITY LEADER  
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 Self-employed  
 Health & Welfare; Joint Legislative Oversight/JLOC; Legislative  
 Council; Resources & Environment; State Affairs

**Ned Burns** (D) House Seat A ..... 1st Term  
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 Realtor Spouse - Sara  
 Health & Welfare; Joint Millennium Fund Committee; Local  
 Government; Resources & Conservation

**Sally J. Toone** (D) House Seat B ..... 3rd Term  
 MINORITY CAUCUS CHAIR  
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 Educator Spouse - Mark  
 Agricultural Affairs; Commerce & Human Resources; Economic  
 Outlook and Revenue Assessment Committee; Education; Ways &  
 Means

27 - CASSIA & MINIDOKA COUNTIES

**Kelly Arthur Anthon** (R) Senate ..... 4th Term  
 MAJORITY LEADER  
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 Attorney/City Administrator Spouse - Joelle  
 Economic Outlook and Revenue Assessment Committee; Judiciary  
 & Rules; Legislative Council; State Affairs

**Scott Bedke** (R) House Seat A ..... 11th Term  
 SPEAKER OF THE HOUSE  
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 Rancher Spouse - Sarah  
 Legislative Council

**Fred Wood** (R) House Seat B ..... 8th Term  
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 Physician (Retired) Spouse - Amy  
 CHAIR-Health & Welfare  
 CO-CHAIR-Joint Millennium Fund Committee  
 Resources & Conservation

28 - BANNOCK & POWER COUNTIES

**Jim Guthrie** (R) Senate ..... 5th Term  
 Served 1 term, House 2010-2012  
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 Rancher/Business Owner  
 VICE CHAIR-State Affairs  
 Change in Employee Compensation Committee; Commerce &  
 Human Resources; Resources & Environment

**Randy Armstrong** (R) House Seat A ..... 3rd Term  
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 Retired Spouse - Paige  
 VICE CHAIR-State Affairs  
 Business; Environment, Energy & Technology

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 Rancher/Horse Trainer Spouse - Shelby  
 VICE CHAIR-Agricultural Affairs  
 Business; State Affairs

LEGISLATORS BY DISTRICT (Continued)

29 - BANNOCK COUNTY

**Mark Nye (D)** Senate ..... 3rd Term  
 Served 1 term, House 2014-2016  
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 Legal Counsel Spouse - Eva  
 Economic Outlook and Revenue Assessment Committee;  
 Finance/JFAC; Local Government & Taxation

**Dustin Manwaring (R)** House Seat A ..... 1st Term  
 Served 1 term, House 2016-2018  
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 Attorney Spouse - Whitney  
 Resources & Conservation; Revenue & Taxation; Transportation &  
 Defense

**James D. Ruchti (D)** House Seat B ..... 1st Term  
 Served 2 terms, House 2006-2010  
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 Agricultural Affairs; Judiciary, Rules & Administration; Revenue &  
 Taxation

30 - BONNEVILLE COUNTY

**Kevin Cook (R)** Senate ..... 1st Term  
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 Software Engineer Spouse - Cheri  
 Education; Finance/JFAC;

**Gary L. Marshall (R)** House Seat A ..... 2nd Term  
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 College Professor (Retired)/Small Farmer Spouse - Ramona  
 Agricultural Affairs; Education; Judiciary, Rules & Administration

**Wendy Horman (R)** House Seat B ..... 5th Term  
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 Small Business Owner Spouse - Briggs  
 Appropriations/JFAC; Commerce & Human Resources;  
 Environment, Energy & Technology; Ethics and House Policy;  
 Legislative Council

31 - BINGHAM COUNTY

**Steve Bair (R)** Senate ..... 8th Term  
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 Retired Farmer Spouse - Lori Kae  
 Finance/JFAC; Health & Welfare; Resources & Environment  
 \* (2022 session substitute: Julie VanOrden)

**David M. Cannon (R)** House Seat A ..... 1st Term  
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 Attorney Spouse - Lisa  
 Agricultural Affairs; Judiciary, Rules & Administration; Revenue &  
 Taxation

**Julianne Young (R)** House Seat B ..... 2nd Term  
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 Homemaker/Mother Spouse - Kevin  
 Environment, Energy & Technology; Ethics and House Policy;  
 Judiciary, Rules & Administration; State Affairs

32 - BEAR LAKE, BONNEVILLE, CARIBOU, FRANKLIN, ONEIDA & TETON COUNTIES

**Mark Harris (R)** Senate ..... 4th Term  
 MAJORITY CAUCUS CHAIR  
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 Rancher Spouse - Cheryl  
 CO-CHAIR-Joint Legislative Oversight/JLOC  
 Health & Welfare; State Affairs

**Marc Gibbs (R)** House Seat A ..... 7th Term  
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 Farmer Spouse - Bonne  
 CHAIR-Resources & Conservation  
 Health & Welfare

**Chad Christensen (R)** House Seat B ..... 2nd Term  
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 Small Business Owner  
 Commerce & Human Resources; Health & Welfare; Local  
 Government



LEGISLATORS BY DISTRICT (Continued)

33 - BONNEVILLE COUNTY

**Dave Lent** (R) Senate ..... 2nd Term  
 1186 Caysie Cir, Idaho Falls 83402  
 Home 521-0716  
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 Nuclear Facility Training Manager Spouse - Terri  
 (Retired)  
 VICE CHAIR-Education  
 Finance/JFAC; Joint Legislative Oversight/JLOC; Legislative  
 Council

**Barbara Ehardt** (R) House Seat A ..... 3rd Term  
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 Manager - Athletic Club  
 CHAIR-Environment, Energy & Technology  
 Education; Judiciary, Rules & Administration

**Marco Erickson** (R) House Seat B ..... 1st Term  
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 Coalition Program Director Spouse - Emily  
 Health & Welfare; Judiciary, Rules & Administration; Local  
 Government

34 - BONNEVILLE & MADISON COUNTIES

**Doug Ricks** (R) Senate ..... 1st Term  
 Served 1 term, House 2018-2020  
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 Small Business Owner Spouse - Melissa  
 VICE CHAIR-Judiciary & Rules  
 Agricultural Affairs; Local Government & Taxation

**Jon O. Weber** (R) House Seat A ..... 1st Term  
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 Commerce & Human Resources; Local Government; Revenue &  
 Taxation

**Ron Nate** (R) House Seat B ..... 1st Term  
 Served 2 terms, House 2014-2018  
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 Economics Professor Spouse - Maria  
 Appropriations/JFAC; Judiciary, Rules & Administration; Local  
 Government

35 - BUTTE, CLARK, FREMONT & JEFFERSON COUNTIES

**Van T. Burtenshaw** (R) Senate ..... 2nd Term  
 Served 2 terms, House 2014-2018  
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 Farmer/Rancher Spouse - Joan "Joni" Marie  
 CHAIR-Agricultural Affairs  
 Resources & Environment

**Karey Hanks** (R) House Seat A ..... 1st Term  
 Served 1 term, House 2016-2018  
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 Homemaker/Bus Driver Spouse - Burke  
 Agricultural Affairs; Commerce & Human Resources; State Affairs

**Rod Furniss** (R) House Seat B ..... 2nd Term  
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 Insurance Sales Spouse - Jan  
 VICE CHAIR-Business  
 Environment, Energy & Technology; State Affairs

