

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 533

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO MEDICAL AND INDIGENT ASSISTANCE; AMENDING SECTION 31-3502,  
2 IDAHO CODE, TO REVISE A DEFINITION; REPEALING SECTION 31-3503D, IDAHO  
3 CODE, RELATING TO COUNTY PARTICIPATION AND CONTRIBUTION TO THE UTI-  
4 LIZATION MANAGEMENT PROGRAM AND THIRD PARTY RECOVERY SYSTEM; AMENDING  
5 CHAPTER 35, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION  
6 31-3503G, IDAHO CODE, TO PROVIDE FOR THE END OF COUNTY MEDICAL ASSIS-  
7 TANCE; AMENDING CHAPTER 35, TITLE 31, IDAHO CODE, BY THE ADDITION OF A  
8 NEW SECTION 31-3519A, IDAHO CODE, TO PROVIDE FOR THE SUSPENSION OF THE  
9 CATASTROPHIC HEALTH CARE COST PROGRAM; AMENDING SECTION 20-605, IDAHO  
10 CODE, TO REMOVE A PROVISION REGARDING REIMBURSEMENT FOR MEDICAL CARE  
11 FOR INMATES; AMENDING SECTION 20-612, IDAHO CODE, TO REMOVE A PROVISION  
12 REGARDING REIMBURSEMENT FOR MEDICAL CARE FOR INMATES; AMENDING SECTION  
13 31-863, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE LEVY FOR CHARI-  
14 TIES FUND; AMENDING SECTION 31-3302, IDAHO CODE, TO REVISE PROVISIONS  
15 REGARDING REIMBURSEMENT FOR MEDICAL CARE FOR INMATES; AMENDING SECTION  
16 31-3401, IDAHO CODE, TO REVISE PROVISIONS REGARDING CERTAIN POWERS TO  
17 IMPOSE A LEVY; AMENDING THE HEADING FOR CHAPTER 35, TITLE 31, IDAHO  
18 CODE; REPEALING SECTION 31-3501, IDAHO CODE, RELATING TO A DECLARATION  
19 OF POLICY; REPEALING SECTION 31-3502, IDAHO CODE, RELATING TO DEFINI-  
20 TIONS; AMENDING SECTION 31-3503, IDAHO CODE, TO REVISE PROVISIONS  
21 REGARDING POWERS AND DUTIES OF COUNTY COMMISSIONERS; AMENDING SECTION  
22 31-3503A, IDAHO CODE, TO REVISE PROVISIONS REGARDING POWERS AND DUTIES  
23 OF THE BOARD OF THE CATASTROPHIC HEALTH CARE COST PROGRAM; REPEALING  
24 SECTION 31-3503C, IDAHO CODE, RELATING TO THE POWERS AND DUTIES OF THE  
25 DEPARTMENT OF HEALTH AND WELFARE; REPEALING SECTION 31-3503E, IDAHO  
26 CODE, RELATING TO MEDICAID ELIGIBILITY DETERMINATION; REPEALING SEC-  
27 TION 31-3503F, IDAHO CODE, RELATING TO PATIENT MEDICAL HOMES; REPEALING  
28 SECTION 31-3504, IDAHO CODE, RELATING TO AN APPLICATION FOR FINANCIAL  
29 ASSISTANCE; REPEALING SECTION 31-3505, IDAHO CODE, RELATING TO THE TIME  
30 AND MANNER OF FILING APPLICATIONS FOR FINANCIAL ASSISTANCE; REPEALING  
31 SECTION 31-3505A, IDAHO CODE, RELATING TO INVESTIGATION OF AN APPLI-  
32 CATION FOR FINANCIAL ASSISTANCE; REPEALING SECTION 31-3505B, IDAHO  
33 CODE, RELATING TO APPROVAL OF AN APPLICATION FOR FINANCIAL ASSISTANCE;  
34 REPEALING SECTION 31-3505C, IDAHO CODE, RELATING TO AN INITIAL DECI-  
35 SION BY THE COUNTY COMMISSIONERS; REPEALING SECTION 31-3505D, IDAHO  
36 CODE, RELATING TO AN APPEAL OF INITIAL DETERMINATION DENYING AN APPLI-  
37 CATION; REPEALING SECTION 31-3505E, IDAHO CODE, RELATING TO HEARING ON  
38 APPEAL; REPEALING SECTION 31-3505F, IDAHO CODE, RELATING TO ARBITRA-  
39 TION; REPEALING SECTION 31-3505G, IDAHO CODE, RELATING TO A PETITION  
40 FOR JUDICIAL REVIEW; REPEALING SECTION 31-3506, IDAHO CODE, RELATING  
41 TO AN OBLIGATED COUNTY; REPEALING SECTION 31-3507, IDAHO CODE, RELAT-  
42 ING TO THE TRANSFER OF A MEDICALLY INDIGENT PATIENT; REPEALING SECTION  
43 31-3508, IDAHO CODE, RELATING TO LIMITATIONS ON PAYMENTS FOR NECESSARY  
44 MEDICAL SERVICES; REPEALING SECTION 31-3508A, IDAHO CODE, RELATING TO  
45

1 PAYMENT FOR NECESSARY MEDICAL SERVICES BY AN OBLIGATED COUNTY; REPEAL-  
2 ING SECTION 31-3510, IDAHO CODE, RELATING TO A RIGHT OF SUBROGATION;  
3 AMENDING SECTION 31-3510A, IDAHO CODE, TO REMOVE PROVISIONS REGARDING  
4 REIMBURSEMENT AND TO MAKE A TECHNICAL CORRECTION; REPEALING SECTION  
5 31-3511, IDAHO CODE, RELATING TO VIOLATIONS AND PENALTIES; AMENDING  
6 SECTION 31-3514, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO  
7 MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 31-3516, IDAHO CODE, TO  
8 PROVIDE CORRECT TERMINOLOGY; REPEALING SECTION 31-3518, IDAHO CODE,  
9 RELATING TO ADMINISTRATIVE RESPONSIBILITY; AMENDING SECTION 31-3519,  
10 IDAHO CODE, TO REMOVE PROVISIONS REGARDING APPROVAL BY THE BOARD OF  
11 THE CATASTROPHIC HEALTH CARE COST PROGRAM AND TO MAKE A TECHNICAL COR-  
12 RECTION; REPEALING SECTION 31-3520, IDAHO CODE, RELATING TO CONTRACTS  
13 FOR THE PROVISION OF NECESSARY MEDICAL SERVICES; REPEALING SECTION  
14 31-3521, IDAHO CODE, RELATING TO EMPLOYMENT OF PHYSICIANS AND OTHER  
15 PROVIDERS; REPEALING SECTION 31-3550, IDAHO CODE, RELATING TO A DECLA-  
16 RATION OF POLICY; REPEALING SECTION 31-3551, IDAHO CODE, RELATING TO AN  
17 ADVISORY PANEL; REPEALING SECTION 31-3552, IDAHO CODE, RELATING TO AP-  
18 POINTMENT OF AN ADVISORY PANEL; REPEALING SECTION 31-3553, IDAHO CODE,  
19 RELATING TO ADVISORY DECISIONS; REPEALING SECTION 31-3554, IDAHO CODE,  
20 RELATING TO TOLLING OF LIMITATION PERIODS; REPEALING SECTION 31-3555,  
21 IDAHO CODE, RELATING TO STAY OF COURT PROCEEDINGS; REPEALING SECTION  
22 31-3556, IDAHO CODE, RELATING TO EXPENSES FOR ADVISORY PANEL MEMBERS;  
23 REPEALING SECTION 31-3557, IDAHO CODE, RELATING TO FREQUENCY OF AND  
24 AGENDA FOR ADVISORY PANEL MEETINGS; REPEALING SECTION 31-3558, IDAHO  
25 CODE, RELATING TO NONDISCLOSURE OF PERSONAL IDENTIFYING INFORMATION;  
26 AMENDING SECTION 31-3607, IDAHO CODE, TO REMOVE CODE REFERENCES AND TO  
27 MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 49-673, IDAHO CODE, TO  
28 PROVIDE FOR THE APPORTIONMENT OF CERTAIN FINES TO THE MEDICAID EXPAN-  
29 SION FUND AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 56-209b,  
30 IDAHO CODE, TO ESTABLISH THE MEDICAID EXPANSION FUND AND THE MEDICAID  
31 STABILIZATION FUND AND TO MAKE TECHNICAL CORRECTIONS; REPEALING SEC-  
32 TION 56-209f, IDAHO CODE, RELATING TO THE STATE FINANCIAL ASSISTANCE  
33 PROGRAM FOR MEDICALLY INDIGENT RESIDENTS; AMENDING CHAPTER 2, TITLE 56,  
34 IDAHO CODE, BY THE ADDITION OF A NEW SECTION 56-268, IDAHO CODE, TO PRO-  
35 VIDE FOR THE ALLOCATION OF MEDICAID EXPANSION COSTS AND TO PROVIDE FOR  
36 REGULAR FUNDING FORMULA REVIEW; AMENDING SECTION 57-813, IDAHO CODE, TO  
37 REVISE PROVISIONS REGARDING THE CATASTROPHIC HEALTH CARE COST ACCOUNT;  
38 AMENDING SECTION 63-3638, IDAHO CODE, TO PROVIDE FOR A DISTRIBUTION  
39 TO THE MEDICAID STABILIZATION FUND AND TO MAKE TECHNICAL CORRECTIONS;  
40 AMENDING SECTION 66-327, IDAHO CODE, TO REVISE PROVISIONS REGARDING  
41 RESPONSIBILITY FOR COSTS OF COMMITMENT AND CARE OF PATIENTS AND TO MAKE  
42 TECHNICAL CORRECTIONS; AMENDING SECTION 67-2302, IDAHO CODE, TO RE-  
43 MOVE A PROVISION REGARDING PROMPT PAYMENT FOR GOODS AND SERVICES AND  
44 TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-7903, IDAHO CODE,  
45 TO REMOVE A PROVISION REGARDING VERIFICATION OF LAWFUL PRESENCE AND TO  
46 MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 72-1003, IDAHO CODE, TO  
47 REMOVE A DEFINITION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION  
48 31-3503B, IDAHO CODE, TO REMOVE A CODE REFERENCE; DECLARING AN EMER-  
49 GENCY; AND PROVIDING EFFECTIVE DATES.

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

1 SECTION 1. That Section 31-3502, Idaho Code, be, and the same is hereby  
2 amended to read as follows:

3 31-3502. DEFINITIONS. As used in this chapter, the terms defined in  
4 this section shall have the following meaning, unless the context clearly  
5 indicates another meaning:

6 (1) "Applicant" means any person who is requesting financial assis-  
7 tance under this chapter.

8 (2) "Application" means the combined application for state and county  
9 medical assistance pursuant to sections 31-3504 and 31-3503E, Idaho Code.  
10 In this chapter an application for state and county medical assistance shall  
11 also mean an application for financial assistance.

12 (3) "Board" means the board of the catastrophic health care cost pro-  
13 gram, as established in section 31-3517, Idaho Code.

14 (4) "Case management" means coordination of services to help meet a pa-  
15 tient's health care needs, usually when the patient has a condition that re-  
16 quires multiple services.

17 (5) "Catastrophic health care costs" means the cost of necessary medi-  
18 cal services received by a recipient that, when paid at the then existing re-  
19 imbursement rate, exceeds the total sum of eleven thousand dollars (\$11,000)  
20 in the aggregate in any consecutive twelve (12) month period.

21 (6) "Clerk" means the clerk of the respective counties or his or her de-  
22 signee.

23 (7) "Completed application" shall include at a minimum the cover sheet  
24 requesting services, applicant information including diagnosis and re-  
25 quests for services and signatures, personal and financial information of  
26 the applicant and obligated person or persons, patient rights and responsi-  
27 bilities, releases and all other signatures required in the application.

28 (8) "County commissioners" means the board of county commissioners in  
29 their respective counties.

30 (9) "County hospital" means any county approved institution or facil-  
31 ity for the care of sick persons.

32 (10) "Department" means the department of health and welfare.

33 (11) "Dependent" means any person whom a taxpayer claims as a dependent  
34 under the income tax laws of the state of Idaho.

35 (12) "Emergency service" means a service provided for a medical condi-  
36 tion in which sudden, serious and unexpected symptoms of illness or injury  
37 are sufficiently severe to necessitate or call for immediate medical care,  
38 including, but not limited to, severe pain, that the absence of immediate  
39 medical attention could reasonably be expected by a prudent person who pos-  
40 sesses an average knowledge of health and medicine, to result in:

41 (a) Placing the patient's health in serious jeopardy;

42 (b) Serious impairment to bodily functions; or

43 (c) Serious dysfunction of any bodily organ or part.

44 (13) "Hospital" means a facility licensed and regulated pursuant to  
45 sections 39-1301 through 39-1314, Idaho Code, or an out-of-state hospital  
46 providing necessary medical services for residents of Idaho, wherein a re-  
47 ciprocal agreement exists, in accordance with section 31-3503B, Idaho Code,  
48 excluding state institutions.

1 (14) "Medicaid eligibility review" means the process used by the de-  
2 partment to determine whether a person meets the criteria for medicaid cov-  
3 erage.

4 (15) "Medical claim" means the itemized statements and standard forms  
5 used by hospitals and providers to satisfy centers for medicare and medicaid  
6 services (CMS) claims submission requirements.

7 (16) "Medical home" means a model of primary and preventive care deliv-  
8 ery in which the patient has a continuous relationship with a personal physi-  
9 cian in a physician directed medical practice that is whole person oriented  
10 and where care is integrated and coordinated.

11 (17) "Medically indigent" means any person who is in need of necessary  
12 medical services and ~~who, if an adult, together with his or her spouse, or~~  
13 ~~whose parents or guardian if a minor or dependent, does not have income and~~  
14 ~~other resources available to him from whatever source sufficient to pay for~~  
15 ~~necessary medical services~~ whose modified adjusted gross income does not ex-  
16 ceed one hundred thirty-three percent (133%) of the federal poverty level as  
17 described in section 56-267, Idaho Code. Nothing in this definition shall  
18 prevent the board and the county commissioners from requiring the applicant  
19 and obligated persons to reimburse the county and the catastrophic health  
20 care cost program, where appropriate, for all or a portion of their medical  
21 expenses, when investigation of their application pursuant to this chapter,  
22 determines their ability to do so.

23 (18) A. "Necessary medical services" means health care services and  
24 supplies that:

25 (a) Health care providers, exercising prudent clinical judgment,  
26 would provide to a person for the purpose of preventing, evalu-  
27 ating, diagnosing or treating an illness, injury, disease or its  
28 symptoms;

29 (b) Are in accordance with generally accepted standards of medi-  
30 cal practice;

31 (c) Are clinically appropriate, in terms of type, frequency, ex-  
32 tent, site and duration and are considered effective for the cov-  
33 ered person's illness, injury or disease;

34 (d) Are not provided primarily for the convenience of the person,  
35 physician or other health care provider; and

36 (e) Are the most cost-effective service or sequence of services or  
37 supplies, and at least as likely to produce equivalent therapeutic  
38 or diagnostic results for the person's illness, injury or disease.

39 B. Necessary medical services shall not include the following:

40 (a) Bone marrow transplants;

41 (b) Organ transplants;

42 (c) Elective, cosmetic and/or experimental procedures;

43 (d) Services related to, or provided by, residential, skilled  
44 nursing, assisted living and/or shelter care facilities;

45 (e) Normal, uncomplicated pregnancies, excluding caesarean sec-  
46 tion, and childbirth well-baby care;

47 (f) Medicare copayments and deductibles;

48 (g) Services provided by, or available to, an applicant from  
49 state, federal and local health programs;

50 (h) Medicaid copayments and deductibles; and

1 (i) Drugs, devices or procedures primarily utilized for weight  
2 reduction and complications directly related to such drugs, de-  
3 vices or procedures.

4 (19) "Obligated person" means the person or persons who are legally re-  
5 sponsible for an applicant including, but not limited to, parents of minors  
6 or dependents.

7 (20) "Primary and preventive health care" means the provision of pro-  
8 fessional health services that include health education and disease preven-  
9 tion, initial assessment of health problems, treatment of acute and chronic  
10 health problems and the overall management of an individual's health care  
11 services.

12 (21) "Provider" means any person, firm or corporation certified or li-  
13 censed by the state of Idaho or holding an equivalent license or certifica-  
14 tion in another state, that provides necessary medical services to a patient  
15 requesting a medically indigent status determination or filing an applica-  
16 tion for financial assistance.

17 (22) "Recipient" means an individual determined eligible for financial  
18 assistance under this chapter.

19 (23) "Reimbursement rate" means the unadjusted medicaid rate of reim-  
20 bursement for medical charges allowed pursuant to title XIX of the social se-  
21 curity act, as amended, that is in effect at the time service is rendered.  
22 The "reimbursement rate" shall mean ninety-five percent (95%) of the unad-  
23 justed medicaid rate.

24 (24) "Resident" means a person with a home, house, place of abode, place  
25 of habitation, dwelling or place where he or she actually lived for a consec-  
26 utive period of thirty (30) days or more within the state of Idaho. A resi-  
27 dent does not include a person who comes into this state for temporary pur-  
28 poses, including, but not limited to, education, vacation, or seasonal la-  
29 bor. Entry into active military duty shall not change a person's residence  
30 for the purposes of this chapter. Those physically present within the fol-  
31 lowing facilities and institutions shall be residents of the county where  
32 they were residents prior to entering the facility or institution:

33 (a) Correctional facilities;

34 (b) Nursing homes or residential or assisted living facilities;

35 (c) Other medical facility or institution.

36 (25) "Resources" means all property, for which an applicant and/or an  
37 obligated person may be eligible or in which he or she may have an interest,  
38 whether tangible or intangible, real or personal, liquid or nonliquid, or  
39 pending, including, but not limited to, all forms of public assistance,  
40 crime victims compensation, worker's compensation, veterans benefits, med-  
41 icaid, medicare, supplemental security income (SSI), third party insurance,  
42 other insurance or apply for section 1011 of the medicare modernization act  
43 of 2003, if applicable, and any other property from any source. Resources  
44 shall include the ability of an applicant and obligated persons to pay for  
45 necessary medical services, excluding any interest charges, over a period  
46 of up to five (5) years starting on the date necessary medical services are  
47 first provided. For purposes of determining approval for medical indigency  
48 only, resources shall not include the value of the homestead on the applicant  
49 or obligated person's residence, a burial plot, exemptions for personal

1 property allowed in section 11-605(1) through (3), Idaho Code, and addi-  
2 tional exemptions allowed by county resolution.

3 (26) "Third party applicant" means a person other than an obligated per-  
4 son who completes, signs and files an application on behalf of a patient. A  
5 third party applicant who files an application on behalf of a patient pur-  
6 suant to section 31-3504, Idaho Code, shall, if possible, deliver a copy of  
7 the application to the patient within three (3) business days after filing  
8 the application.

9 (27) "Third party insurance" means casualty insurance, disability in-  
10 surance, health insurance, life insurance, marine and transportation in-  
11 surance, motor vehicle insurance, property insurance or any other insurance  
12 coverage that may pay for a resident's medical bills.

13 (28) "Utilization management" means the evaluation of medical neces-  
14 sity, appropriateness and efficiency of the use of health care services,  
15 procedures and facilities. "Utilization management" may include, but is  
16 not limited to, preadmission certification, the application of practice  
17 guidelines, continued stay review, discharge planning, case management,  
18 preauthorization of ambulatory procedures, retrospective review and claims  
19 review. "Utilization management" may also include the amount to be paid  
20 based on the application of the reimbursement rate to those medical services  
21 determined to be necessary medical services.

22 SECTION 2. That Section [31-3503D](#), Idaho Code, be, and the same is hereby  
23 repealed.

24 SECTION 3. That Chapter 35, Title 31, Idaho Code, be, and the same is  
25 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
26 ignated as Section 31-3503G, Idaho Code, and to read as follows:

27 31-3503G. END OF COUNTY MEDICAL ASSISTANCE. (1) Notwithstanding any  
28 provision of law or rule to the contrary, no board of county commissioners  
29 shall approve an application for financial assistance after this section has  
30 been effective for one hundred eighty (180) days.

31 (2) A board of county commissioners may, as necessary, continue to ad-  
32 minister county medical assistance relating to applications approved prior  
33 to the deadline described in subsection (1) of this section for up to twelve  
34 (12) months following the effective date of this section.

35 SECTION 4. That Chapter 35, Title 31, Idaho Code, be, and the same is  
36 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
37 ignated as Section 31-3519A, Idaho Code, and to read as follows:

38 31-3519A. SUSPENSION OF THE CATASTROPHIC HEALTH CARE COST PRO-  
39 GRAM. (1) Notwithstanding any provision of law or rule to the contrary, no  
40 application for financial assistance through the board of the catastrophic  
41 health care cost program shall be approved under this chapter if such appli-  
42 cation is made on or after the one (1) year anniversary of the effective date  
43 of this section.

44 (2) Final decisions by the board of the catastrophic health care cost  
45 program on all outstanding applications for financial assistance must occur  
46 on or before June 30, 2021.

1 (3) Final payments on medical claims shall be disbursed with funds ap-  
2 propriated for fiscal year 2021.

3 (4) Upon final decision of all outstanding applications for financial  
4 assistance, the board of the catastrophic health care cost program shall  
5 suspend operations, but board members shall retain their appointments. The  
6 department of health and welfare shall act as a fiscal agent to oversee any  
7 ongoing administrative actions, including distribution of any remaining  
8 outstanding payments from the catastrophic health care cost account and  
9 collection of ongoing reimbursements for deposit into that account in accor-  
10 dance with final board decisions.

11 SECTION 5. That Section 20-605, Idaho Code, be, and the same is hereby  
12 amended to read as follows:

13 20-605. COSTS OF CONFINEMENT. The county wherein any court has entered  
14 an order pursuant to section 20-604, Idaho Code, shall pay all direct and  
15 indirect costs of the detention or confinement of the person to the govern-  
16 mental unit or agency owning or operating the jail or confinement facilities  
17 in which the person was confined or detained. The amount of such direct and  
18 indirect costs shall be determined on a per day per person basis by agree-  
19 ment between the county wherein the court entered the order and the county or  
20 governmental unit or agency owning or operating such jail or confinement fa-  
21 cilities. In the absence of such agreement or order fixing the cost as pro-  
22 vided in section 20-606, Idaho Code, the charge for each person confined or  
23 detained shall be the sum of thirty-five dollars (\$35.00) per day, plus the  
24 cost of any medical or dental services paid at the rate of reimbursement ~~as~~  
25 ~~provided in chapter 35, title 31, Idaho Code, unless a rate of reimbursement~~  
26 ~~is otherwise~~ established by contract or agreement; provided, however, that  
27 the county may determine whether the detained or confined person is eligible  
28 for any local, state, federal or private program that covers dental, medi-  
29 cal and/or burial expenses. That person will be required to apply for those  
30 benefits, and any such benefits obtained may be applied to the detained or  
31 confined person's incurred expenses, and in the event of the death of such  
32 detained or confined person, the county wherein the court entered the order  
33 shall pay all actual burial costs. Release from an order pursuant to section  
34 20-604, Idaho Code, for the purpose of a person receiving medical treatment  
35 shall not relieve the county of its obligation of paying the medical care ex-  
36 penses imposed in this section. In case a person confined or detained was  
37 initially arrested by a city police officer for violation of the motor vehi-  
38 cle laws of this state or for violation of a city ordinance, the cost of such  
39 confinement or detention shall be a charge against such city by the county  
40 wherein the order of confinement was entered. All payments under this sec-  
41 tion shall be acted upon for each calendar month by the second Monday of the  
42 month following the date of billing.

43 SECTION 6. That Section 20-612, Idaho Code, be, and the same is hereby  
44 amended to read as follows:

45 20-612. RECEPTION AND BOARD OF PRISONERS. The sheriff must receive all  
46 persons committed to jail by competent authority except mentally ill persons  
47 not charged with a crime and juveniles. It shall be the duty of the board

1 of county commissioners to furnish all persons committed to the county jail  
 2 with necessary food, clothing, bedding, and medical care, and the board of  
 3 county commissioners is authorized to pay therefor out of the county trea-  
 4 sury under such rules and regulations as they may prescribe. The county's  
 5 obligation herein shall not apply when the person is no longer committed  
 6 to the county jail if the person has been released pursuant to a dismissal,  
 7 bail, or any other court order of release, unless the release is a temporary  
 8 release from the jail solely for the purpose of receiving medical care for  
 9 an injury that occurred while committed in the county jail. ~~Nothing in this~~  
 10 ~~chapter precludes a released person from access to coverage under chapter~~  
 11 ~~35, title 31, Idaho Code.~~

12 SECTION 7. That Section 31-863, Idaho Code, be, and the same is hereby  
 13 amended to read as follows:

14 31-863. LEVY FOR CHARITIES FUND. For the purpose of nonmedical indi-  
 15 gent assistance pursuant to chapter 34, title 31, Idaho Code, for the purpose  
 16 of involuntary mental health services pursuant to chapter 3, title 66, Idaho  
 17 Code, and for the purpose of providing ~~financial assistance on behalf of the~~  
 18 ~~medically indigent, pursuant to chapter 35,~~ services authorized by chapter  
 19 46, title 31, Idaho Code, said boards are authorized to levy an ad valorem tax  
 20 not to exceed ten hundredths of one percent (.10%) of the market value for as-  
 21 sessment purposes of all taxable property in the county.

22 SECTION 8. That Section 31-3302, Idaho Code, be, and the same is hereby  
 23 amended to read as follows:

24 31-3302. COUNTY CHARGES ENUMERATED. The following are county charges:

25 (1) Charges incurred against the county by virtue of any provision of  
 26 this title.

27 (2) The compensation allowed by law to constables and sheriffs for ex-  
 28 ecuting process on persons charged with criminal offenses; for services and  
 29 expenses in conveying criminals to jail; for the service of subpoenas issued  
 30 by or at the request of the prosecuting attorneys, and for other services in  
 31 relation to criminal proceedings.

32 (3) The expenses necessarily incurred in the support of persons  
 33 charged with or convicted of crime and committed therefor to the county  
 34 jail. ~~Provided that any m~~Medical expenses shall be paid at the rate of reim-  
 35 ~~bursment as provided in chapter 35, title 31, Idaho Code, unless a rate of~~  
 36 ~~reimbursement is otherwise~~ established by contract or agreement.

37 (4) The compensation allowed by law to county officers in criminal pro-  
 38 ceedings, when not otherwise collectible.

39 (5) The sum required by law to be paid to grand jurors and indigent wit-  
 40 nesses in criminal cases.

41 (6) The accounts of the coroner of the county, for such services as are  
 42 not provided to be paid otherwise.

43 (7) The necessary expenses incurred in the support of county hospitals,  
 44 and the indigent sick and nonmedical assistance for indigents, whose support  
 45 is chargeable to the county.

46 (8) The contingent expenses, necessarily incurred for the use and bene-  
 47 fit of the county.



1 (9) Every other sum directed by law to be raised for any county purpose,  
 2 under the direction of the board of county commissioners, or declared to be a  
 3 county charge.

4 SECTION 9. That Section 31-3401, Idaho Code, be, and the same is hereby  
 5 amended to read as follows:

6 31-3401. POWERS AND DUTIES OF THE BOARD OF COUNTY COMMISSIONERS. The  
 7 boards of county commissioners in their respective counties shall, under  
 8 such limitations and restrictions as are prescribed by law, evaluate the  
 9 need and provide to indigent person(s) nonmedical assistance in a temporary  
 10 situation only when no alternatives exist. Nothing in this chapter shall  
 11 imply county assistance is to be provided on a continuing basis. Boards of  
 12 county commissioners, by resolution, shall promulgate policies and proce-  
 13 dures, may negotiate payment to providers, and may contract for nonmedical  
 14 services, pursuant to this chapter. For the purpose of funding nonmedical  
 15 services for indigent persons, boards of county commissioners are autho-  
 16 rized to levy an ad valorem tax pursuant to section ~~31-3503~~ 31-863, Idaho  
 17 Code.

18 SECTION 10. That the Heading for Chapter 35, Title 31, Idaho Code, be,  
 19 and the same is hereby amended to read as follows:

20 CHAPTER 35  
 21 COUNTY HOSPITALS FOR INDIGENT SICK

22 SECTION 11. That Section 31-3501, Idaho Code, be, and the same is hereby  
 23 repealed.

24 SECTION 12. That Section 31-3502, Idaho Code, be, and the same is hereby  
 25 repealed.

26 SECTION 13. That Section 31-3503, Idaho Code, be, and the same is hereby  
 27 amended to read as follows:

28 31-3503. POWERS AND DUTIES OF COUNTY COMMISSIONERS. The county com-  
 29 missioners in their respective counties shall, under such limitations and  
 30 restrictions as are prescribed by law:

31 ~~(1) Pay for necessary medical services for the medically indigent res-~~  
 32 ~~idents of their counties as provided in this chapter and as approved by the~~  
 33 ~~county commissioners at the reimbursement rate up to the total sum of eleven~~  
 34 ~~thousand dollars (\$11,000) in the aggregate per resident in any consecutive~~  
 35 ~~twelve (12) month period or contract for the provision of necessary medical~~  
 36 ~~services pursuant to sections 31-3520 and 31-3521, Idaho Code.~~

37 ~~(2) Have the right to contract with providers, transfer patients, ne-~~  
 38 ~~gotiate provider agreements, conduct utilization management or any portion~~  
 39 ~~thereof, pay for authorized expenses directly, or indirectly through the~~  
 40 ~~use of alternative programs, that would assist in managing costs of provid-~~  
 41 ~~ing health care for indigent persons, and all other powers incident to the~~  
 42 ~~county's duties created by this chapter.~~

1       ~~(3) Cooperate with the department, the board and contractors retained~~  
 2 ~~by the department or the board to provide services including, but not limited~~  
 3 ~~to, medicaid eligibility review and utilization management on behalf of the~~  
 4 ~~counties and the board.~~

5       ~~(4) Have , have~~ the jurisdiction and power to provide county hospitals  
 6 and public general hospitals for the county and others who are sick, injured,  
 7 maimed, aged and infirm and to erect, enlarge, purchase, lease, or otherwise  
 8 acquire, and to officer, maintain and improve hospitals, hospital grounds,  
 9 nurses' homes, shelter care facilities and residential or assisted living  
 10 facilities as defined in section 39-3301, Idaho Code, superintendent's  
 11 quarters, medical clinics, as that term is defined in section 39-1319, Idaho  
 12 Code, medical clinic grounds or any other necessary buildings, and to equip  
 13 the same, and to replace equipment, and for this purpose said commissioners  
 14 may levy an additional tax of not to exceed six hundredths percent (.06%) of  
 15 the market value for assessment purposes on all taxable property within the  
 16 county. The term "public general hospitals" as used in this subsection shall  
 17 be construed to include nursing homes.

18       SECTION 14. That Section 31-3503A, Idaho Code, be, and the same is  
 19 hereby amended to read as follows:

20       31-3503A. POWERS AND DUTIES OF THE BOARD. The board shall, under such  
 21 limitations and restrictions as are prescribed by law:

22       (1) Pay for the cost of necessary medical services for a medically in-  
 23 digent resident, as provided in and approved pursuant to this chapter, ~~where~~  
 24 ~~the cost of necessary medical services when paid at the reimbursement rate~~  
 25 ~~exceeds the total sum of eleven thousand dollars (\$11,000) in the aggregate~~  
 26 ~~per resident in any consecutive twelve (12) month period;~~

27       (2) ~~Have the right to negotiate provider agreements, contract for uti-~~  
 28 ~~lization management or any portion thereof, pay for authorized expenses di-~~  
 29 ~~rectly, or indirectly through the use of alternative programs, that would~~  
 30 ~~assist in managing costs of providing health care for indigent persons, and~~  
 31 ~~all other powers incident to the board's duties created by this chapter;~~

32       ~~(3) Cooperate with the department, respective counties of the state and~~  
 33 ~~contractors retained by the department or county commissioners to provide~~  
 34 ~~services including, but not limited to, eligibility review and utilization~~  
 35 ~~management on behalf of the counties and the board;~~

36       ~~(4) Require, as the board deems necessary, annual reports from each~~  
 37 ~~county and each hospital including, but not limited to, the following:~~

38       ~~(a) From each county and for each applicant:~~

39           ~~(i) Case number and the date services began;~~

40           ~~(ii) Age;~~

41           ~~(iii) Residence;~~

42           ~~(iv) Sex;~~

43           ~~(v) Diagnosis;~~

44           ~~(vi) Income;~~

45           ~~(vii) Family size;~~

46           ~~(viii) Amount of costs incurred including provider, legal and ad-~~  
 47 ~~ministrative charges;~~

48           ~~(ix) Approval or denial; and~~

49           ~~(x) Reasons for denial.~~

- 1       ~~(b) From each hospital:~~  
 2           ~~(i) 990 tax forms or comparable information;~~  
 3           ~~(ii) Cost of charges where charitable care was provided; and~~  
 4           ~~(iii) Administrative and legal costs incurred in processing~~  
 5           ~~claims under this chapter.~~  
 6       ~~(5)~~ Authorize all disbursements from the catastrophic health care cost  
 7 program in accordance with the provisions of this chapter;  
 8       ~~(6) Make and enter into contracts;~~  
 9       ~~(7)~~ Develop and submit a proposed budget setting forth the amount nec-  
 10 essary to perform its functions and prepare an annual report;  
 11       ~~(8)~~ Perform such other duties as set forth in the laws of this state;  
 12 and  
 13       ~~(9)~~ Conduct examinations, investigations, audits and hear testimony  
 14 and take proof, under oath or affirmation, at public or private hearings, on  
 15 any matter necessary to fulfill its duties.

16       SECTION 15. That Section [31-3503C](#), Idaho Code, be, and the same is  
 17 hereby repealed.

18       SECTION 16. That Section [31-3503E](#), Idaho Code, be, and the same is  
 19 hereby repealed.

20       SECTION 17. That Section [31-3503F](#), Idaho Code, be, and the same is  
 21 hereby repealed.

22       SECTION 18. That Section [31-3504](#), Idaho Code, be, and the same is hereby  
 23 repealed.

24       SECTION 19. That Section [31-3505](#), Idaho Code, be, and the same is hereby  
 25 repealed.

26       SECTION 20. That Section [31-3505A](#), Idaho Code, be, and the same is  
 27 hereby repealed.

28       SECTION 21. That Section [31-3505B](#), Idaho Code, be, and the same is  
 29 hereby repealed.

30       SECTION 22. That Section [31-3505C](#), Idaho Code, be, and the same is  
 31 hereby repealed.

32       SECTION 23. That Section [31-3505D](#), Idaho Code, be, and the same is  
 33 hereby repealed.

34       SECTION 24. That Section [31-3505E](#), Idaho Code, be, and the same is  
 35 hereby repealed.

36       SECTION 25. That Section [31-3505F](#), Idaho Code, be, and the same is  
 37 hereby repealed.

38       SECTION 26. That Section [31-3505G](#), Idaho Code, be, and the same is  
 39 hereby repealed.

1 SECTION 27. That Section [31-3506](#), Idaho Code, be, and the same is hereby  
2 repealed.

3 SECTION 28. That Section [31-3507](#), Idaho Code, be, and the same is hereby  
4 repealed.

5 SECTION 29. That Section [31-3508](#), Idaho Code, be, and the same is hereby  
6 repealed.

7 SECTION 30. That Section [31-3508A](#), Idaho Code, be, and the same is  
8 hereby repealed.

9 SECTION 31. That Section [31-3510](#), Idaho Code, be, and the same is hereby  
10 repealed.

11 SECTION 32. That Section 31-3510A, Idaho Code, be, and the same is  
12 hereby amended to read as follows:

13 31-3510A. REIMBURSEMENT. (1) Receipt of financial assistance pur-  
14 suant to this chapter shall obligate an applicant to reimburse the obligated  
15 county and the board for such reasonable portion of the financial assistance  
16 paid on behalf of the applicant as the county commissioners may determine  
17 that the applicant is able to pay from resources over a reasonable period of  
18 time. Cash amounts received shall be prorated between the county and the  
19 board in proportion to the amount each has paid.

20 (2) A final determination shall not relieve the applicant's duty to  
21 make additional reimbursement from resources if the county commissioners  
22 subsequently find within a reasonable period of time that there has been a  
23 substantial change in circumstances such that the applicant is able to pay  
24 additional amounts up to the total claim paid on behalf of the applicant.

25 (3) A final determination shall not prohibit the county commissioners  
26 from reviewing a petition from an applicant to reduce an order of reimburse-  
27 ment based on a substantial change in circumstances.

28 (4) The automatic lien created pursuant to ~~the~~ this chapter may be filed  
29 and recorded in any county of this state wherein the applicant has resources  
30 and may be liquidated or unliquidated in amount. Nothing herein shall pro-  
31 hibit an applicant from executing a consensual lien in addition to the au-  
32 tomatic lien created by filing an application pursuant to this chapter. In  
33 the event that resources can be located in another state, the clerk may file  
34 the lien with the district court and provide notice to the recipient. The re-  
35 cipient shall have twenty (20) days to object, following which the district  
36 court shall enter judgment against the recipient. The judgment entered may  
37 thereafter be filed as provided for the filing of a foreign judgment in that  
38 jurisdiction.

39 (5) The county shall have the same right of recovery as provided to the  
40 state of Idaho pursuant to sections 56-218 and 56-218A, Idaho Code.

41 (6) The county commissioners may require the employment of such of the  
42 medically indigent as are capable and able to work and whose attending physi-  
43 cian certifies they are capable of working.

1 (7) That portion of the moneys received by a county as reimbursement  
2 that are not assigned to the catastrophic health care cost program shall be  
3 credited to the respective county ~~medically indigent fund.~~

4 ~~(8) If, after a hearing, the final determination of the county commis-~~  
5 ~~sioners is to require a reimbursement amount or rate the applicant believes~~  
6 ~~excessive, the applicant may seek judicial review of the final determination~~  
7 ~~of the county commissioners in the manner provided in section 31-1506, Idaho~~  
8 ~~Code.~~

9 SECTION 33. That Section [31-3511](#), Idaho Code, be, and the same is hereby  
10 repealed.

11 SECTION 34. That Section 31-3514, Idaho Code, be, and the same is hereby  
12 amended to read as follows:

13 31-3514. INTERNAL MANAGEMENT -- ACCOUNTS AND REPORTS. Such facilities  
14 as referred to in section 31-3503(2), Idaho Code, may suitably provide for  
15 and accept other patients and must charge and accept payments from such other  
16 patients as are able to make payments for services rendered and care given.  
17 The county commissioners may make suitable rules and regulations for the  
18 management and operation of such property by a suitable board of control, or  
19 otherwise, or for carrying out such hospital uses and purposes under a lease  
20 of the same.

21 The boards or officers or lessees of such hospital property shall render  
22 accounts and reports to the county commissioners as may be required by the  
23 county commissioners, and shall render accounts and deliver over any and all  
24 moneys received by them for the county to the county treasurer to be credited  
25 to the operation expense of hospitals and indigent sick and otherwise depen-  
26 dent poor of the county in such manner as provided by law for the handling of  
27 funds of this kind.

28 Said board of control may permit persons from out of the county where  
29 such hospital is located to be admitted for hospitalization to such hospi-  
30 tal. As to such cases, special rates for the use and service of such hospi-  
31 tal may be provided, which rates shall apply equally to all such patients who  
32 do not pay taxes within the county where such hospital is located. The pur-  
33 pose of providing such special rates shall be to compel persons living out of  
34 the county where such hospital is located, and who receive hospitalization  
35 in such hospital, to bear a just burden of the cost of construction and main-  
36 tenance of such hospital.

37 SECTION 35. That Section 31-3516, Idaho Code, be, and the same is hereby  
38 amended to read as follows:

39 31-3516. ~~SEPARABILITY~~ SEVERABILITY. If any provision of this chapter  
40 or the application thereof to any person or circumstance is held invalid,  
41 such invalidity shall not affect other provisions or applications of this  
42 chapter, which can be given effect without the invalid provisions or appli-  
43 cations, and to this end the provisions of this chapter are declared to be  
44 severable.

1 SECTION 36. That Section [31-3518](#), Idaho Code, be, and the same is hereby  
2 repealed.

3 SECTION 37. That Section 31-3519, Idaho Code, be, and the same is hereby  
4 amended to read as follows:

5 31-3519. APPROVAL AND PAYMENT BY THE BOARD. (1) Upon receipt of the  
6 clerk's statement, a final determination of the county commissioners and the  
7 completed application, the board shall approve an application for financial  
8 assistance under the catastrophic health care cost program if it determines  
9 that:

10 ~~(a) Necessary medical services have been provided for a medically in-~~  
11 ~~igent resident in accordance with this chapter;~~

12 ~~(b) The obligated county paid the first eleven thousand dollars~~  
13 ~~(\$11,000) of necessary medical services; and~~

14 ~~(c) The cost of necessary medical services when paid at the reimburse-~~  
15 ~~ment rate exceeds the total sum of eleven thousand dollars (\$11,000) in~~  
16 ~~the aggregate per resident in any consecutive twelve (12) month period.~~

17 (2) Payment to a hospital or provider pursuant to this chapter shall be  
18 payment of the debt in full, and the hospital or provider shall not seek addi-  
19 tional funds from the applicant.

20 (3) In no event shall the board be obligated to pay a claim, pursuant to  
21 this chapter, in excess of an amount based on the application of the appro-  
22 priate reimbursement rate to those medical services determined to be neces-  
23 sary medical services. The board may use contractors to undertake utiliza-  
24 tion management review in any part of that analysis.

25 (4) The board shall, within forty-five (45) days after approval by the  
26 board, submit the claim to the state controller for payment. Payment by the  
27 state controller shall be made pursuant to section 67-2302, Idaho Code.

28 SECTION 38. That Section [31-3520](#), Idaho Code, be, and the same is hereby  
29 repealed.

30 SECTION 39. That Section [31-3521](#), Idaho Code, be, and the same is hereby  
31 repealed.

32 SECTION 40. That Section [31-3550](#), Idaho Code, be, and the same is hereby  
33 repealed.

34 SECTION 41. That Section [31-3551](#), Idaho Code, be, and the same is hereby  
35 repealed.

36 SECTION 42. That Section [31-3552](#), Idaho Code, be, and the same is hereby  
37 repealed.

38 SECTION 43. That Section [31-3553](#), Idaho Code, be, and the same is hereby  
39 repealed.

40 SECTION 44. That Section [31-3554](#), Idaho Code, be, and the same is hereby  
41 repealed.

1 SECTION 45. That Section [31-3555](#), Idaho Code, be, and the same is hereby  
2 repealed.

3 SECTION 46. That Section [31-3556](#), Idaho Code, be, and the same is hereby  
4 repealed.

5 SECTION 47. That Section [31-3557](#), Idaho Code, be, and the same is hereby  
6 repealed.

7 SECTION 48. That Section [31-3558](#), Idaho Code, be, and the same is hereby  
8 repealed.

9 SECTION 49. That Section 31-3607, Idaho Code, be, and the same is hereby  
10 amended to read as follows:

11 31-3607. DUTIES OF BOARD. (a~~1~~) Fiscal Affairs. -- The county hospital  
12 board shall be charged with the care, custody, upkeep, management and opera-  
13 tion of all property belonging to the county and devoted to the purposes pro-  
14 vided in sections ~~31-3501~~ and 31-3503, Idaho Code, and shall be responsible  
15 for all moneys received by it, including all revenues from the operation of  
16 such property, all moneys received by tax levies for operation of such prop-  
17 erty, and all moneys received from whatever source, by contribution or oth-  
18 erwise, for such purposes:--~~P~~; provided, that if any contribution of money  
19 or property be offered to the hospital board of the county for use for a spe-  
20 cific purpose the hospital board may, if it deems it for the best interest of  
21 the hospital or other facility or property under its management, accept such  
22 contribution and use such contribution for such purpose.

23 (b~~2~~) Funds -- Custody and Disbursement. -- The hospital board shall  
24 safely keep or cause to be kept all moneys coming into the care, custody or  
25 possession of the board in strict compliance with the public depository law  
26 of this state, and shall pay out such money for valid bills and obligations of  
27 the hospital, and shall keep or cause to be kept proper records in its minutes  
28 of all its proceedings and all business transactions and proper accounts of  
29 all moneys received by it, expended and on hand. The minutes of the board  
30 shall be open to inspection by any taxpayer or elector of the county during  
31 all regular office hours.

32 (e~~3~~) Reports. -- The county hospital board shall report to the board  
33 of county commissioners within thirty (30) days after the acceptance of  
34 the annual hospital audit after the close of the fiscal year and shall an-  
35 nually publish in one (1) issue of a newspaper having general circulation  
36 in the county a financial statement reflecting the financial operations of  
37 the hospital, together with such other information as the board of county  
38 commissioners may deem necessary for the information of the people of the  
39 county. The county hospital board shall also prepare in its regular course  
40 of business unaudited monthly financial reports reflecting the financial  
41 operations of the hospital. The county hospital board shall provide a copy  
42 of those monthly reports to the member of the board of commissioners serving  
43 as an ex officio member of the county hospital board.

44 (d~~4~~) Limitations. -- The county hospital board subject to the bud-  
45 getary limitations herein contained may acquire or build other property  
46 for the purposes provided in sections ~~31-3501~~ and 31-3503, Idaho Code, or

1 improve, remodel, enlarge, reduce, or dispose of property being used for  
 2 such purposes. The county hospital board shall not have power to create any  
 3 indebtedness in excess of the amount of its annual budget as approved by the  
 4 board of county commissioners:—P; provided, that if the county hospital  
 5 board be formed after the time fixed by law for adoption of the budget, it may  
 6 then formulate and submit to the board of county commissioners a budget for  
 7 the rest of the current year, which budget, however, shall not provide for  
 8 expenditure or creation of indebtedness in an amount greater than the esti-  
 9 mated income for that year, together with any receipts from taxes specially  
 10 levied for hospital purposes in such year.

11 SECTION 50. That Section 49-673, Idaho Code, be, and the same is hereby  
 12 amended to read as follows:

13 49-673. SAFETY RESTRAINT USE. (1) Except as provided in section  
 14 49-672, Idaho Code, and subsection (2) of this section, each occupant of a  
 15 motor vehicle that has a gross vehicle weight of not more than eight thousand  
 16 (8,000) pounds, and that was manufactured with safety restraints in compli-  
 17 ance with federal motor vehicle safety standard no. 208, shall have a safety  
 18 restraint properly fastened about the occupant's body at all times when the  
 19 vehicle is in motion.

20 (2) The provisions of this section shall not apply to:

21 (a) An occupant of a motor vehicle who possesses a written statement  
 22 from a licensed physician that the occupant is unable for medical rea-  
 23 sons to wear a safety restraint;

24 (b) Occupants of motorcycles, implements of husbandry and emergency  
 25 vehicles;

26 (c) Occupants of seats of a motor vehicle in which all safety restraints  
 27 are then properly in use by other occupants of that vehicle; or

28 (d) Mail carriers only if all vehicle regulations and safety practices  
 29 of the United States postal service are adhered to.

30 (3) (a) A citation may be issued to:

31 (i) Any occupant of the motor vehicle who is age eighteen (18)  
 32 years or older and fails to wear a safety restraint as required in  
 33 this section; and

34 (ii) The operator of the motor vehicle who is age eighteen (18)  
 35 years or older if any occupant under eighteen (18) years of age  
 36 fails to wear a safety restraint as required in this section.  
 37 For purposes of this subparagraph, it shall be deemed a single  
 38 violation regardless of the number of occupants not properly re-  
 39 strained.

40 (b) A person issued a citation pursuant to this subsection shall be sub-  
 41 ject to a fine of ten dollars (\$10.00), with plus court costs. Through  
 42 September 30, 2020, five dollars (\$5.00) of such fine ~~to~~ shall be appor-  
 43 tioned to the catastrophic health care cost fund account, as set forth  
 44 in section 57-813, Idaho Code. On or after October 1, 2020, five dollars  
 45 (\$5.00) of such fine shall be apportioned to the medicaid expansion fund  
 46 created in section 56-209b, Idaho Code. A conviction under this subsec-  
 47 tion shall not result in violation point counts as prescribed in section  
 48 49-326, Idaho Code, nor shall such a conviction be deemed to be a moving



1 traffic violation for the purpose of establishing rates of motor vehi-  
2 cle insurance charged by a casualty insurer.

3 (4) A citation may be issued to the operator of the motor vehicle if the  
4 operator is under eighteen (18) years of age and the operator or any other  
5 occupant who is under eighteen (18) years of age fails to wear a safety re-  
6 straint as required in this section. For purposes of this subsection, it  
7 shall be deemed a single violation regardless of the number of occupants not  
8 properly restrained. A person issued a citation pursuant to this subsection  
9 shall be subject to a fine of ten dollars (\$10.00), plus court costs. Through  
10 September 30, 2020, five dollars (\$5.00) of such fine ~~to~~ shall be apportioned  
11 to the catastrophic health care cost fund account as set forth in section  
12 57-813, Idaho Code, ~~plus court costs. On and after October 1, 2020, five dol-~~  
13 lars (\$5.00) of such fine shall be apportioned to the medicaid expansion fund  
14 created in section 56-209b, Idaho Code. A conviction under this subsection  
15 shall not result in violation point counts as prescribed in section 49-326,  
16 Idaho Code. In addition, a conviction under this subsection shall not be  
17 deemed to be a moving traffic violation for the purpose of establishing rates  
18 of motor vehicle insurance charged by a casualty insurer.

19 (5) Enforcement of this section by law enforcement officers may be ac-  
20 complished only as a secondary action when the operator of the motor vehicle  
21 has been detained for a suspected violation of another law.

22 (6) The department shall initiate and conduct an educational program,  
23 to the extent sufficient private donations or federal funds for this spe-  
24 cific purpose are available to the department, to encourage compliance with  
25 the provisions of this section and to publicize the effectiveness of use of  
26 safety restraints and other restraint devices in reducing risk of harm to oc-  
27 cupants of motor vehicles.

28 (7) The department shall evaluate the effectiveness of the provisions  
29 of this section and shall include a report of its findings in its annual eval-  
30 uation report on the Idaho highway safety plan which it submits to the na-  
31 tional highway traffic safety administration and federal highway adminis-  
32 tration pursuant to 23 U.S.C. ~~section~~ 402.

33 (8) The failure to use a safety restraint shall not be considered under  
34 any circumstances as evidence of contributory or comparative negligence,  
35 nor shall such failure be admissible as evidence in any civil action with  
36 regard to negligence.

37 SECTION 51. That Section 56-209b, Idaho Code, be, and the same is hereby  
38 amended to read as follows:

39 56-209b. MEDICAL ASSISTANCE -- MEDICAL ASSISTANCE ACCOUNT -- MEDICAID  
40 EXPANSION FUND -- MEDICAID STABILIZATION FUND. (1) Medical assistance shall  
41 be awarded to persons as mandated by federal law; and medical assistance may  
42 be awarded to such other persons not required to be awarded medical assis-  
43 tance as mandated by federal law when such award is to the fiscal advantage of  
44 the state of Idaho.

45 (2) There is hereby created in the dedicated fund the medical assis-  
46 tance account. The medical assistance account shall be an entity primarily  
47 designed to receive moneys from the families and relatives of patients re-  
48 ceiving medical assistance under the state plan for medicaid, and to pro-  
49 vide a source of moneys to pay for the state's share of medical assistance ex-

1 penses. Moneys in the medical assistance account may not be commingled with  
2 moneys in the cooperative welfare ~~account~~ fund. Moneys in the medical as-  
3 sistance account must be appropriated in order to be expended to pay for the  
4 state's share of medical assistance expenses.

5 (3) In all cases where the department of health and welfare through the  
6 medical assistance program has or will be required to pay medical expenses  
7 for a recipient and that recipient is entitled to recover any or all such med-  
8 ical expenses from any third party or entity, the department of health and  
9 welfare will be subrogated to the rights of the recipient to the extent of the  
10 amount of medical assistance benefits paid by the department as the result of  
11 the occurrence giving rise to the claim against the third party or entity.

12 (4) If a recipient of medical assistance pursues a claim against a third  
13 party or entity through litigation or a settlement, the recipient will so no-  
14 tify the department. If a recipient fails to notify the department of such  
15 claim, the department may recover the amount of any public assistance ob-  
16 tained by the recipient while the recipient pursued such claim. In addition,  
17 if the recipient recovers funds, either by settlement or judgment, from such  
18 a third party or entity, the recipient shall reimburse the department to the  
19 extent of the funds received in settlement minus attorney's fees and costs,  
20 the amount of the medical assistance benefits paid by the department on his  
21 behalf as a result of the occurrence giving rise to the need for medical as-  
22 sistance. The department shall be entitled to all the legal rights and pow-  
23 ers of a creditor against a debtor in enforcing the recipient's reimburse-  
24 ment obligation.

25 (5) The department shall have priority to any amount received from a  
26 third party or entity which can reasonably be construed to compensate the re-  
27 cipient for the occurrence giving rise to the need for medical assistance,  
28 whether the settlement or judgment is obtained through the subrogation right  
29 of the department or through recovery by the recipient, and whether or not  
30 the recipient is made whole by the amount recovered. The department will be  
31 entitled to reimbursement of medical assistance benefits paid on behalf of  
32 the recipient arising from the incident or occurrence prior to any amount be-  
33 ing distributed to the recipient. The department may notify such third party  
34 or entity of the department's entitlement to receive the reimbursement prior  
35 to any amount being distributed to the recipient. Furthermore, the depart-  
36 ment may instruct the third party or entity to make such payment directly to  
37 the department prior to any amount being distributed to the recipient. Any  
38 third party or entity who distributed funds in violation of such a notice  
39 shall be liable to the department for the amount of the reimbursement.

40 (6) In the event a recipient of assistance through the medical assis-  
41 tance program incurs the obligation to pay attorney's fees and costs for the  
42 purpose of enforcing a monetary claim to which the department has a right  
43 under this section, the amount ~~which~~ that the department is entitled to re-  
44 cover, or any lesser amount ~~which~~ that the department may agree to accept in  
45 compromise of its claim, shall be reduced by an amount ~~which~~ that bears the  
46 same relation to the total amount of attorney's fees and costs actually paid  
47 by the recipient as the amount actually recovered for medical expenses paid  
48 by the department, exclusive of the reduction for attorney's fees and costs,  
49 bears to the total amount paid by the third party or entity to the recipient.  
50 If a settlement or judgment is received by the recipient without delineating

1 what portion of the settlement or judgment is in payment of medical expenses,  
2 it will be presumed that the settlement or judgment applies first to the med-  
3 ical expenses incurred by the recipient in an amount equal to the expenditure  
4 for medical assistance benefits paid by the department as a result of the oc-  
5 currence giving rise to the payment or payments to the recipient.

6 (7) There is hereby created in the state treasury the medicaid expan-  
7 sion fund. The medicaid expansion fund shall receive moneys from the gen-  
8 eral fund and other sources, including the medicaid stabilization fund, pur-  
9 suant to chapter 8, title 31, Idaho Code, and shall be used by the department  
10 for the purposes of providing medical assistance to individuals described in  
11 section 56-267(1), Idaho Code. Moneys in the medicaid expansion fund may not  
12 be commingled with moneys in the cooperative welfare fund.

13 (8) There is hereby created in the state treasury the medicaid stabi-  
14 lization fund. Moneys in the medicaid stabilization fund may be transferred  
15 only by appropriation to the medicaid expansion fund to pay for the state's  
16 share of medical assistance expenses, provided that any moneys transferred  
17 by appropriation shall revert to the medicaid stabilization fund if such  
18 moneys remain unused at the end of the fiscal year for which they were appro-  
19 riated.

20 SECTION 52. That Section [56-209f](#), Idaho Code, be, and the same is hereby  
21 repealed.

22 SECTION 53. That Chapter 2, Title 56, Idaho Code, be, and the same is  
23 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
24 ignated as Section 56-268, Idaho Code, and to read as follows:

25 56-268. MEDICAID EXPANSION COST ALLOCATION. (1) Beginning on January  
26 1, 2020, each county shall be responsible for a portion of the costs of med-  
27 icaid expansion authorized under section 56-267, Idaho Code. The department  
28 of health and welfare shall calculate the counties' quarterly assessment ac-  
29 cording to the provisions of this section.

30 (2) By the end of each month following the end of a calendar quarter,  
31 the department of health and welfare shall tally the number of individuals  
32 enrolled statewide in medicaid pursuant to section 56-267(1), Idaho Code,  
33 for that calendar quarter.

34 (3) The department of health and welfare shall calculate the quarterly  
35 cost for the counties by multiplying the state tally described in subsection  
36 (2) of this section by the projected annual per member cost of the program for  
37 the following state fiscal year, then multiplying the result by twenty-three  
38 percent (23%), and then dividing by four (4).

39 (4) Starting in calendar year 2022, the annual per member cost of the  
40 program used in subsection (3) of this section shall increase by no more than  
41 three percent (3%) per year.

42 (5) The department of health and welfare shall notify the state tax com-  
43 mission of the total quarterly cost for all Idaho counties by April 30, 2020,  
44 and every three (3) months thereafter.

45 (6) Quarterly assessments for the counties shall be deducted from sales  
46 tax revenue distribution sharing pursuant to section 63-3638(10), Idaho  
47 Code, nine (9) months following the conclusion of the period assessed. The  
48 assessments shall be collected for the first quarter of calendar year 2020

1 beginning on December 31, 2020, and for subsequent quarters shall be col-  
2 lected every three (3) months thereafter.

3 (7) (a) Beginning in 2022 and every three (3) years thereafter, the leg-  
4 islative services office shall review the funding formula set forth in  
5 this section and report to the joint finance-appropriations committee  
6 and the senate and house of representatives health and welfare commit-  
7 tees no later than January 15 of the following legislative session:

8 (i) Whether the funding sources for medicaid expansion are sus-  
9 tainable; and

10 (ii) In the event that a gap exists between current identified  
11 funding sources and program demand, other funding options for con-  
12 sideration by the joint finance-appropriations committee and the  
13 legislature.

14 (b) In order to meet its obligations under paragraph (a) of this subsec-  
15 tion, the legislative services office may request assistance from other  
16 agencies and may employ a consultant to assist with the review and pro-  
17 duction of the report. The legislative services office may include a  
18 budget request in the appropriate fiscal year when needed to comply with  
19 paragraph (a) of this subsection.

20 SECTION 54. That Section 57-813, Idaho Code, be, and the same is hereby  
21 amended to read as follows:

22 57-813. CATASTROPHIC HEALTH CARE COST ACCOUNT. (1) There is hereby  
23 created in the state treasury an account to be designated the "Catastrophic  
24 Health Care Cost Account." The account shall be used solely for payment of  
25 ~~insurance premiums, payment of eligible claims beyond the eleven thousand~~  
26 ~~dollar (\$11,000) county deductible~~ or payment of the expenses of administer-  
27 ing the catastrophic health care cost account.

28 ~~(2) The administrator of the catastrophic health care cost program may~~  
29 ~~retain counsel.~~

30 ~~(3) All moneys placed in the account are hereby perpetually appro-~~  
31 ~~riated to the administrator of the catastrophic health care cost program~~  
32 subject to appropriation for purposes of this program. All expenditures  
33 from the account shall be paid out in warrants drawn by the state controller  
34 upon presentation of proper vouchers from the administrator. Pending use,  
35 surplus moneys in the account shall be invested by the state treasurer in the  
36 same manner as prescribed in section 67-1210, Idaho Code, with respect to  
37 surplus or idle moneys in the state treasury. Interest earned on the invest-  
38 ments shall be returned to the account.

39 SECTION 55. That Section 63-3638, Idaho Code, be, and the same is hereby  
40 amended to read as follows:

41 63-3638. SALES TAX -- DISTRIBUTION. All moneys collected under this  
42 chapter, except as may otherwise be required in sections 63-3203, 63-3620F,  
43 and 63-3709, Idaho Code, and except as provided in subsection (16) of this  
44 section, shall be distributed by the state tax commission as follows:

45 (1) An amount of money shall be distributed to the state refund account  
46 sufficient to pay current refund claims. All refunds authorized under this

1 chapter by the state tax commission shall be paid through the state refund  
2 account, and those moneys are continuously appropriated.

3 (2) Five million dollars (\$5,000,000) per year is continuously appro-  
4 priated and shall be distributed to the permanent building fund, provided by  
5 section 57-1108, Idaho Code.

6 (3) Four million eight hundred thousand dollars (\$4,800,000) per year  
7 is continuously appropriated and shall be distributed to the water pollution  
8 control fund established by section 39-3628, Idaho Code.

9 (4) An amount equal to the sum required to be certified by the chair-  
10 man of the Idaho housing and finance association to the state tax commis-  
11 sion pursuant to section 67-6211, Idaho Code, in each year is continuously  
12 appropriated and shall be paid to any capital reserve fund established by  
13 the Idaho housing and finance association pursuant to section 67-6211, Idaho  
14 Code. Such amounts, if any, as may be appropriated hereunder to the capital  
15 reserve fund of the Idaho housing and finance association shall be repaid for  
16 distribution under the provisions of this section, subject to the provisions  
17 of section 67-6215, Idaho Code, by the Idaho housing and finance associa-  
18 tion, as soon as possible, from any moneys available therefor and in excess  
19 of the amounts the association determines will keep it self-supporting.

20 (5) An amount equal to the sum required by the provisions of sections  
21 63-709 and 63-717, Idaho Code, after allowance for the amount appropriated  
22 by section 63-718(3), Idaho Code, is continuously appropriated and shall be  
23 paid as provided by sections 63-709 and 63-717, Idaho Code.

24 (6) An amount required by the provisions of chapter 53, title 33, Idaho  
25 Code.

26 (7) An amount required by the provisions of chapter 87, title 67, Idaho  
27 Code.

28 (8) For fiscal year 2011 and each fiscal year thereafter, four million  
29 one hundred thousand dollars (\$4,100,000), of which two million two hundred  
30 thousand dollars (\$2,200,000) shall be distributed to each of the forty-four  
31 (44) counties in equal amounts and one million nine hundred thousand dol-  
32 lars (\$1,900,000) shall be distributed to the forty-four (44) counties in  
33 the proportion that the population of the county bears to the population of  
34 the state. For fiscal year 2012 and for each fiscal year thereafter, the  
35 amount distributed pursuant to this subsection shall be adjusted annually  
36 by the state tax commission in accordance with the consumer price index for  
37 all urban consumers (CPI-U) as published by the U.S. department of labor,  
38 bureau of labor statistics, but in no fiscal year shall the total amount  
39 allocated for counties under this subsection be less than four million one  
40 hundred thousand dollars (\$4,100,000). Any increase resulting from the ad-  
41 justment required in this section shall be distributed to each county in the  
42 proportion that the population of the county bears to the population of the  
43 state. Each county shall establish a special election fund to which shall  
44 be deposited all revenues received from the distribution pursuant to this  
45 subsection. All such revenues shall be used exclusively to defray the costs  
46 associated with conducting elections as required of county clerks by the  
47 provisions of section 34-1401, Idaho Code.

48 (9) One dollar (\$1.00) on each application for certificate of title  
49 or initial application for registration of a motor vehicle, snowmobile,  
50 all-terrain vehicle or other vehicle processed by the county assessor or the

1 Idaho transportation department, excepting those applications in which any  
 2 sales or use taxes due have been previously collected by a retailer, shall be  
 3 a fee for the services of the assessor of the county or the Idaho transporta-  
 4 tion department in collecting such taxes and shall be paid into the current  
 5 expense fund of the county or state highway account established in section  
 6 40-702, Idaho Code.

7 (10) Eleven and five-tenths percent (11.5%) is continuously appro-  
 8 priated and shall be distributed to the revenue-sharing account, which is  
 9 hereby created in the state treasury, and the moneys in the revenue-sharing  
 10 account will be paid in installments each calendar quarter by the state tax  
 11 commission as follows:

12 (a) Twenty-eight and two-tenths percent (28.2%) shall be paid to the  
 13 various cities as follows:

14 (i) Fifty percent (50%) of such amount shall be paid to the vari-  
 15 ous cities, and each city shall be entitled to an amount in the pro-  
 16 portion that the population of that city bears to the population of  
 17 all cities within the state; and

18 (ii) Fifty percent (50%) of such amount shall be paid to the vari-  
 19 ous cities, and each city shall be entitled to an amount in the pro-  
 20 portion that the preceding year's market value for assessment pur-  
 21 poses for that city bears to the preceding year's market value for  
 22 assessment purposes for all cities within the state.

23 (b) Twenty-eight and two-tenths percent (28.2%) shall be paid ~~to the~~  
 24 ~~various counties~~ as follows:

25 (i) An amount representing the various counties' share of med-  
 26 icaid expansion cost allocation as determined and reported to the  
 27 state tax commission pursuant to section 56-268, Idaho Code, shall  
 28 be distributed to the medicaid stabilization fund created in sec-  
 29 tion 56-209b, Idaho Code. The distributions shall be made accord-  
 30 ing to the schedule provided in section 56-268, Idaho Code;

31 (ii) One million three hundred twenty thousand dollars  
 32 (\$1,320,000) annually shall be distributed one forty-fourth  
 33 (1/44) to each of the various counties; and

34 (iii) The balance of such amount shall be paid to the various coun-  
 35 ties, and each county shall be entitled to an amount in the propor-  
 36 tion that the population of that county bears to the population of  
 37 the state;

38 (c) Thirty-five and nine-tenths percent (35.9%) of the amount appro-  
 39 priated in this subsection shall be paid to the several counties for  
 40 distribution to the cities and counties as follows:

41 (i) Each city and county ~~which that~~ received a payment under the  
 42 provisions of section 63-3638(e), Idaho Code, during the fourth  
 43 quarter of calendar year 1999, shall be entitled to a like amount  
 44 during succeeding calendar quarters.

45 (ii) If the dollar amount of money available under this subsection  
 46 (10) (c) in any quarter does not equal the amount paid in the fourth  
 47 quarter of calendar year 1999, each city's and county's payment  
 48 shall be reduced proportionately.

49 (iii) If the dollar amount of money available under this subsec-  
 50 tion (10) (c) in any quarter exceeds the amount paid in the fourth

1 quarter of calendar year 1999, each city and county shall be en-  
2 titled to a proportionately increased payment, but such increase  
3 shall not exceed one hundred five percent (105%) of the total pay-  
4 ment made in the fourth quarter of calendar year 1999.

5 (iv) If the dollar amount of money available under this subsection  
6 (10) (c) in any quarter exceeds one hundred five percent (105%) of  
7 the total payment made in the fourth quarter of calendar year 1999,  
8 any amount over and above such one hundred five percent (105%)  
9 shall be paid fifty percent (50%) to the various cities in the pro-  
10 portion that the population of the city bears to the population of  
11 all cities within the state and fifty percent (50%) to the various  
12 counties in the proportion that the population of the county bears  
13 to the population of the state; and

14 (d) Seven and seven-tenths percent (7.7%) of the amount appropriated in  
15 this subsection shall be paid to the several counties for distribution  
16 to special purpose taxing districts as follows:

17 (i) Each such district ~~which~~ that received a payment under the  
18 provisions of section 63-3638(e), Idaho Code, as such subsection  
19 existed immediately prior to July 1, 2000, during the fourth quar-  
20 ter of calendar year 1999, shall be entitled to a like amount dur-  
21 ing succeeding calendar quarters.

22 (ii) If the dollar amount of money available under this subsec-  
23 tion (10) (d) in any quarter does not equal the amount paid in the  
24 fourth quarter of calendar year 1999, each special purpose taxing  
25 district's payment shall be reduced proportionately.

26 (iii) If the dollar amount of money available under this subsec-  
27 tion (10) (d) in any quarter exceeds the amount distributed under  
28 paragraph (i) of this subsection (10) (d), each special purpose  
29 taxing district shall be entitled to a share of the excess based on  
30 the proportion each such district's current property tax budget  
31 bears to the sum of the current property tax budgets of all such  
32 districts in the state. The state tax commission shall calculate  
33 district current property tax budgets to include any unrecovered  
34 forgone amounts as determined under section 63-802(1) (e), Idaho  
35 Code. When a special purpose taxing district is situated in more  
36 than one (1) county, the state tax commission shall determine the  
37 portion attributable to the special purpose taxing district from  
38 each county in which it is situated.

39 (iv) If special purpose taxing districts are consolidated, the  
40 resulting district is entitled to a base amount equal to the sum of  
41 the base amounts received in the last calendar quarter by each dis-  
42 trict prior to the consolidation.

43 (v) If a special purpose taxing district is dissolved or disin-  
44 corporated, the state tax commission shall continuously distrib-  
45 ute to the board of county commissioners an amount equal to the  
46 last quarter's distribution prior to dissolution or disincorpora-  
47 tion. The board of county commissioners shall determine any re-  
48 distribution of moneys so received.

49 (vi) Taxing districts formed after January 1, 2001, are not enti-  
50 tled to a payment under the provisions of this subsection (10) (d).

1 (vii) For purposes of this subsection (10) (d), a special purpose  
2 taxing district is any taxing district that is not a city, a county  
3 or a school district.

4 (11) Amounts calculated in accordance with section 2, chapter 356, laws  
5 of 2001, for annual distribution to counties and other taxing districts be-  
6 ginning in October 2001 for replacement of property tax on farm machinery and  
7 equipment exempted pursuant to section 63-602EE, Idaho Code. For nonschool  
8 districts, the state tax commission shall distribute one-fourth (1/4) of  
9 this amount certified quarterly to each county. For school districts, the  
10 state tax commission shall distribute one-fourth (1/4) of the amount certi-  
11 fied quarterly to each school district. For nonschool districts, the county  
12 auditor shall distribute to each district within thirty (30) calendar days  
13 from receipt of moneys from the state tax commission. Moneys received by  
14 each taxing district for replacement shall be utilized in the same manner  
15 and in the same proportions as revenues from property taxation. The moneys  
16 remitted to the county treasurer for replacement of property exempt from  
17 taxation pursuant to section 63-602EE, Idaho Code, may be considered by the  
18 counties and other taxing districts and budgeted at the same time, in the  
19 same manner and in the same year as revenues from taxation on personal prop-  
20 erty which these moneys replace. If taxing districts are consolidated, the  
21 resulting district is entitled to an amount equal to the sum of the amounts  
22 received in the last calendar quarter by each district pursuant to this  
23 subsection prior to the consolidation. If a taxing district is dissolved  
24 or disincorporated, the state tax commission shall continuously distribute  
25 to the board of county commissioners an amount equal to the last quarter's  
26 distribution prior to dissolution or disincorporation. The board of county  
27 commissioners shall determine any redistribution of moneys so received. If  
28 a taxing district annexes territory, the distribution of moneys received  
29 pursuant to this subsection shall be unaffected. Taxing districts formed  
30 after January 1, 2001, are not entitled to a payment under the provisions  
31 of this subsection. School districts shall receive an amount determined by  
32 multiplying the sum of the year 2000 school district levy minus .004 times  
33 the market value on December 31, 2000, in the district of the property exempt  
34 from taxation pursuant to section 63-602EE, Idaho Code, provided that the  
35 result of these calculations shall not be less than zero (0). The result of  
36 these school district calculations shall be further increased by six per-  
37 cent (6%). For purposes of the limitation provided by section 63-802, Idaho  
38 Code, moneys received pursuant to this section as property tax replacement  
39 for property exempt from taxation pursuant to section 63-602EE, Idaho Code,  
40 shall be treated as property tax revenues.

41 (12) Amounts necessary to pay refunds as provided in section 63-3641,  
42 Idaho Code, to a developer of a retail complex shall be remitted to the demon-  
43 stration pilot project fund created in section 63-3641, Idaho Code.

44 (13) Amounts calculated in accordance with subsection (4) of section  
45 63-602KK, Idaho Code, for annual distribution to counties and other taxing  
46 districts for replacement of property tax on personal property tax exemp-  
47 tions pursuant to subsection (2) of section 63-602KK, Idaho Code, which  
48 amounts are continuously appropriated unless the legislature enacts a dif-  
49 ferent appropriation for a particular fiscal year. For purposes of the  
50 limitation provided by section 63-802, Idaho Code, moneys received pursuant



1 to this section as property tax replacement for property exempt from taxa-  
2 tion pursuant to section 63-602KK, Idaho Code, shall be treated as property  
3 tax revenues. If taxing districts are consolidated, the resulting district  
4 is entitled to an amount equal to the sum of the amounts that were received in  
5 the last calendar year by each district pursuant to this subsection prior to  
6 the consolidation. If a taxing district or revenue allocation area annexes  
7 territory, the distribution of moneys received pursuant to this subsection  
8 shall be unaffected. Taxing districts and revenue allocation areas formed  
9 after January 1, 2013, are not entitled to a payment under the provisions of  
10 this subsection.

11 (14) Amounts collected from purchasers and paid to the state of Idaho by  
12 retailers that are not engaged in business in this state and which retailer  
13 would not have been required to collect the sales tax, less amounts other-  
14 wise distributed in subsections (1) and (10) of this section, shall be dis-  
15 tributed to the tax relief fund created in section 57-811, Idaho Code. The  
16 state tax commission will determine the amounts to be distributed under this  
17 subsection.

18 (15) Any moneys remaining over and above those necessary to meet and  
19 reserve for payments under other subsections of this section shall be dis-  
20 tributed to the general fund.

21 (16) One percent (1%), but not less than fifteen million dollars  
22 (\$15,000,000), is continuously appropriated and shall be distributed to the  
23 transportation expansion and congestion mitigation fund established in sec-  
24 tion 40-720, Idaho Code. The distribution provided for in this subsection  
25 must immediately follow the distribution provided for in subsection (10) of  
26 this section.

27 SECTION 56. That Section 66-327, Idaho Code, be, and the same is hereby  
28 amended to read as follows:

29 66-327. RESPONSIBILITY FOR COSTS OF COMMITMENT AND CARE OF PA-  
30 TIENTS. (a~~1~~) All costs associated with the commitment proceedings, includ-  
31 ing fees of designated examiners, transportation costs and all medical,  
32 psychiatric and hospital costs not included in subsection (e~~3~~) of this  
33 section, shall be the responsibility of the person subject to judicial pro-  
34 ceedings authorized by this chapter or such person's spouse, adult children,  
35 or, if indigent, the county of such person's residence after all personal,  
36 family and third-party resources, including medical assistance provided  
37 under the state plan for medicaid as authorized by title XIX of the social  
38 security act, as amended, are considered. In proceedings authorized by  
39 this chapter, the court shall consider the indigency of persons subject to  
40 proceedings authorized by this chapter, in light of such person's income and  
41 resources, and if such person is able to pay all or part of such costs, the  
42 court shall order such person to pay all or any part of such costs. If the  
43 court determines such person is unable to pay all or any part of such costs,  
44 the court shall fix responsibility, ~~in accordance with the provisions of~~  
45 ~~chapter 35, title 31, Idaho Code,~~ for payment of such costs on the county of  
46 such person's residence to the extent not paid by such person or not covered  
47 by third-party resources, including medical assistance as aforesaid. The  
48 amount of payment by a county shall be the medicaid rate, or pursuant to the  
49 provisions of any contract between a provider and an obligated county, or if

1 the facility providing the services is a freestanding mental health facil-  
2 ity, then the reimbursement rate will be the medicaid rate, for a hospital  
3 as defined by section 39-1301(a), Idaho Code, that provides services within  
4 the nearest proximity of the mental health facility. Such costs fixed by the  
5 court shall be based upon the time services were provided.

6 (b~~2~~) An order of commitment pursuant to the provisions of this section  
7 shall be sufficient to require the release of all pertinent information re-  
8 lated to the committed person, to the court and obligated county, within the  
9 restrictions of all applicable federal and state laws.

10 (e~~3~~) The department of health and welfare shall assume responsibil-  
11 ity for costs after the involuntary patient is committed to the custody of  
12 the state of Idaho, beginning on the day after the director receives no-  
13 tice that a person has been committed into the custody of the department,  
14 until the involuntary patient is discharged and after all personal, fam-  
15 ily and third-party resources are considered in accordance with section  
16 66-354, Idaho Code. The counties shall be responsible for mental health  
17 costs as defined in subsection (a~~1~~) of this section if the individual is not  
18 transported within twenty-four (24) hours of receiving written notice of  
19 admission availability to a state facility. For purposes of this section,  
20 "costs" shall include routine board, room and support services rendered at a  
21 facility of the department of health and welfare; routine physical, medical,  
22 psychological and psychiatric examination and testing; group and individ-  
23 ual therapy, psychiatric treatment, medication and medical care ~~which that~~  
24 can be provided at a facility of the department of health and welfare. The  
25 term "costs" shall not include neurological evaluation, CAT scan, surgery,  
26 medical treatment, any other item or service not provided at a facility of  
27 the department of health and welfare, or witness fees and expenses for court  
28 appearances. For the purposes of this section, the notice to the department  
29 may be faxed or mailed.

30 (4) Following approval by the centers for medicare and medicaid ser-  
31 VICES of any waivers to the state plan that allow Idaho to access federal med-  
32 icaid funding for institutions for mental diseases for individuals eligible  
33 for medicaid under section 56-267, Idaho Code, no county shall be respon-  
34 sible for costs incurred under this chapter for persons whose modified ad-  
35 justed gross income is at or below one hundred thirty-three percent (133%) of  
36 the federal poverty level as described in section 56-267, Idaho Code.

37 SECTION 57. That Section 67-2302, Idaho Code, be, and the same is hereby  
38 amended to read as follows:

39 67-2302. PROMPT PAYMENT FOR GOODS AND SERVICES. (1) It is the policy of  
40 this state that all bills owed by the state of Idaho or any taxing district  
41 within the state shall be paid promptly. No state agency or taxing district  
42 supported in whole or in part by tax revenues shall be exempt from the provi-  
43 sions of this section, except as provided in subsection (20).

44 (2) All bills shall be accepted, certified for payment, and paid within  
45 sixty (60) calendar days of receipt of billing, unless the buyer and the ven-  
46 dor have agreed by a contract in place at the time the order was placed that  
47 a longer period of time is acceptable to the vendor. An invoice is a written  
48 account or itemized statement of merchandise shipped, sent or delivered to

1 the purchaser with quantity, value or price, and charges set forth, and is a  
2 demand for payment of the charges set forth.

3 (3) Unless specifically provided by the terms of a contract that de-  
4 tails payment requirements, including penalties for late payments, interest  
5 penalties shall be due automatically when bills become overdue. It shall be  
6 up to each vendor to calculate and invoice interest at the time payment is due  
7 on the principal.

8 (4) Partial payment shall be made on partial deliveries, if an invoice  
9 is submitted for a partial delivery, and the goods delivered are a usable  
10 unit. Each complete item or service must be paid for within forty-five (45)  
11 calendar days.

12 (5) All proper deliveries and completed services shall be received or  
13 accepted promptly, and proper receiving and acceptance reports shall be for-  
14 ward to payment offices within five (5) working days of delivery of goods  
15 or completion of service.

16 (6) Payment shall be due on the date on which the agency officially re-  
17 ceives the invoice or actually receives the goods or services, whichever is  
18 later.

19 (7) The rate of interest to be paid by the state or any taxing district  
20 shall be the rate provided in section 63-3045, Idaho Code.

21 (8) Unpaid interest penalties owed to a vendor shall compound each  
22 month.

23 (9) The provisions of this section shall apply to all purchases,  
24 leases, rentals, contracts for services, construction, repairs and remod-  
25 eling.

26 (10) No discount offered by a vendor shall be taken by the state or a  
27 taxing district or by a project manager administering a state- or taxing dis-  
28 trict-supported project, unless full payment is made within the discount pe-  
29 riod. In the event a discount is taken later, interest shall accrue on the  
30 unpaid balance from the day the discount offer expired.

31 (11) Interest shall be paid from funds already appropriated or budgeted  
32 to the offending agency or taxing district or project for that fiscal year.  
33 If more than one (1) department, institution or agency has caused a late pay-  
34 ment, each shall bear a proportionate share of the interest penalty.

35 (12) In instances where an invoice is filled out incorrectly, or where  
36 there is any defect or impropriety in an invoice submitted, the state agency,  
37 taxing district, or project, shall contact the vendor in writing within ten  
38 (10) days of receiving the invoice. An error on the vendor's invoice, if cor-  
39 rected by the vendor within five (5) working days of being contacted by the  
40 agency or taxing district, shall not result in the vendor being paid late.

41 (13) Checks or warrants shall be mailed or transmitted within a reason-  
42 able time after approval.

43 (14) No new appropriation or budget is authorized under the provisions  
44 of this section to cover interest penalties. No state agency, taxing dis-  
45 trict, or project shall seek to increase appropriations or budgets for the  
46 purpose of obtaining funds to pay interest penalties.

47 (15) Payment of interest penalties may be postponed when payment on the  
48 principal is delayed because of a disagreement between the state or taxing  
49 district and the vendor. At the resolution of any dispute, vendors shall be

1 entitled to receive interest on all proper invoices not paid for as provided  
2 in subsection (2) of this section.

3 (16) The provisions of this section shall in no way be construed to  
4 prohibit the state or any taxing district from making advanced payments,  
5 progress payments, or from prepaying where circumstances make such payments  
6 appropriate. All such payments shall be made promptly and are subject to  
7 interest penalties when payment is late. Where construction, repair and  
8 remodeling payments are subject to retainage, interest penalties shall ac-  
9 crue on retained amounts beginning thirty (30) calendar days after work is  
10 completed by the contractor(s) unless otherwise provided by contract.

11 (17) Each state department, institution and agency head shall be re-  
12 sponsible for prompt payments. In all instances where an interest payment  
13 has been made by a state agency because of a late payment, the responsible  
14 state agency head shall submit to the joint ~~senate~~ finance-house appropri-  
15 ations committee of the legislature at the time of that agency's budget re-  
16 quest hearing an explanation of why the bill is paid late and what is being  
17 done to solve the late payment problem.

18 (18) Whenever a vendor brings formal administrative action or judicial  
19 action to collect interest due under this section, should the vendor pre-  
20 vail, the state or taxing district is required to pay any reasonable attor-  
21 ney's fees awarded.

22 (19) Where the date of payment to vendors is contingent on the receipt  
23 of federal funds or federal approval, the solicitation of bids for contracts  
24 and any contracts awarded shall clearly state that payment is contingent on  
25 such conditions.

26 (20) The provisions of this section shall not apply to claims against  
27 a county for services rendered to any ~~medically indigent, sick or otherwise~~  
28 indigent person, nor to judgment obligations.

29 SECTION 58. That Section 67-7903, Idaho Code, be, and the same is hereby  
30 amended to read as follows:

31 67-7903. VERIFICATION OF LAWFUL PRESENCE -- EXCEPTIONS -- REPORT-  
32 ING. (1) Except as otherwise provided in subsection (3) of this section or  
33 where exempted by federal law, each agency or political subdivision of this  
34 state shall verify the lawful presence in the United States of each natural  
35 person eighteen (18) years of age or older who applies for state or local  
36 public benefits or for federal public benefits for the applicant.

37 (2) This section shall be enforced without regard to race, religion,  
38 gender, ethnicity or national origin.

39 (3) Verification of lawful presence in the United States shall not be  
40 required:

41 (a) For any purpose for which lawful presence in the United States is  
42 not required by law, ordinance or rule;

43 (b) For obtaining health care items and services that are necessary for  
44 the treatment of an emergency medical condition of the person involved  
45 and are not related to an organ transplant procedure;

46 (c) For short-term, noncash, in-kind emergency disaster relief;

47 (d) For public health assistance for immunizations with respect to im-  
48 munizable diseases and testing and treatment of symptoms of communica-

1 ble diseases whether or not such symptoms are caused by a communicable  
2 disease;

3 (e) For programs, services or assistance, such as soup kitchens, crisis  
4 counseling and intervention and short-term shelter specified by fed-  
5 eral law or regulation that:

6 (i) Deliver in-kind services at the community level, including  
7 services through public or private nonprofit agencies;

8 (ii) Do not condition the provision of assistance, the amount of  
9 assistance provided or the cost of assistance provided on the in-  
10 dividual recipient's income or resources; and

11 (iii) Are necessary for the protection of life or public safety;

12 (f) For prenatal care;

13 (g) For postnatal care not to exceed twelve (12) months; or

14 (h) For food assistance for a dependent child under eighteen (18) years  
15 of age.

16 ~~Notwithstanding the provisions of this subsection (3), for the county in-~~  
17 ~~digent program, the limitations contained in section 31-3502(18)B., Idaho~~  
18 ~~Code, shall apply.~~

19 (4) An agency or a political subdivision shall verify the lawful pres-  
20 ence in the United States of each applicant eighteen (18) years of age or  
21 older for federal public benefits or state or local public benefits by:

22 (a) Employing electronic means to verify an applicant is legally  
23 present in the United States; or

24 (b) Requiring the applicant to provide:

25 (i) An Idaho driver's license or an Idaho identification card  
26 issued pursuant to section 49-2444, Idaho Code;

27 (ii) A valid driver's license or similar document issued for the  
28 purpose of identification by another state or territory of the  
29 United States, if such license or document contains a photograph  
30 of the individual or such other personal identifying information  
31 relating to the individual that the director of the department of  
32 health and welfare or, with regard to unemployment compensation  
33 benefits, the director of the department of labor finds, by rule,  
34 sufficient for purposes of this section;

35 (iii) A United States military card or a military dependent's  
36 identification card;

37 (iv) A United States coast guard merchant mariner card;

38 (v) A native American tribal document;

39 (vi) A copy of an executive office of immigration review, immi-  
40 gration judge or board of immigration appeals decision, granting  
41 asylee status;

42 (vii) A copy of an executive office of immigration review, immi-  
43 gration judge or board of immigration appeals decision, indicat-  
44 ing that the individual may lawfully remain in the United States;

45 (viii) Any United States citizenship and immigration service-is-  
46 sued document showing refugee or asylee status or that the indi-  
47 vidual may lawfully remain in the United States;

48 (ix) Any department of state or customs and border protection-is-  
49 sued document showing the individual has been permitted entry into  
50 the United States on the basis of refugee or asylee status, or on

1           any other basis that permits the individual to lawfully enter and  
2           remain in the United States; or

3           (x) A valid United States passport; and

4           (c) Requiring the applicant to provide a valid social security number  
5           that has been assigned to the applicant; and

6           (d) Requiring the applicant to attest, under penalty of perjury and on  
7           a form designated or established by the agency or the political subdivi-  
8           sion, that:

9           (i) The applicant is a United States citizen or legal permanent  
10           resident; or

11           (ii) The applicant is otherwise lawfully present in the United  
12           States pursuant to federal law.

13           (5) Notwithstanding the requirements of subsection (4) (b) of this sec-  
14           tion, the agency or political subdivision may establish by appropriate legal  
15           procedure such rules or regulations to ensure that certain individuals law-  
16           fully present in the United States receive authorized benefits including,  
17           but not limited to, homeless state citizens.

18           (6) For an applicant who has attested pursuant to subsection (4) (d) of  
19           this section stating that the applicant is an alien lawfully present in the  
20           United States, verification of lawful presence for federal public benefits  
21           or state or local public benefits shall be made through the federal system-  
22           atic alien verification of entitlement program, which may be referred to as  
23           the "SAVE" program, operated by the United States department of homeland se-  
24           curity or a successor program designated by the United States department of  
25           homeland security. Until such verification of lawful presence is made, the  
26           attestation may be presumed to be proof of lawful presence for purposes of  
27           this section.

28           (a) Errors and significant delays by the SAVE program shall be reported  
29           to the United States department of homeland security to ensure that the  
30           application of the SAVE program is not wrongfully denying benefits to  
31           legal residents of this state.

32           (b) Agencies or political subdivisions may adopt variations of the re-  
33           quirements of subsection (4) (d) of this section to improve efficiency  
34           or reduce delay in the verification process or to provide for adjudica-  
35           tion of unique individual circumstances in which the verification pro-  
36           cedures in this section would impose unusual hardship on a legal resi-  
37           dent of this state; except that the variations shall be no less strin-  
38           gent than the requirements of subsection (4) (d) of this section.

39           (c) A person who knowingly makes a false, fictitious or fraudulent  
40           statement or representation in an attestation executed pursuant to sub-  
41           section (4) (d) or ~~(6)~~ paragraph (b) of this subsection or who knowingly  
42           provides a social security number that has not been assigned to him pur-  
43           suant to subsection (4) (c) of this section shall be:

44           (i) Guilty of a misdemeanor for the first and second offense; and

45           (ii) Guilty of a felony for each subsequent offense.

46           (7) An agency or political subdivision may accept as prima facie evi-  
47           dence of an applicant's lawful presence in the United States the information  
48           required in subsection (4) of this section, as may be modified by subsection  
49           (5) of this section, when issuing a professional license or a commercial li-  
50           cense.

1 SECTION 59. That Section 72-1003, Idaho Code, be, and the same is hereby  
2 amended to read as follows:

3 72-1003. DEFINITIONS. As used in this chapter:

4 (1) "Claimant" means any of the following claiming compensation under  
5 this chapter:

6 (a) A victim;

7 (b) A dependent of a deceased victim; or

8 (c) An authorized person acting on behalf of any of them, including par-  
9 ent(s), legal guardian(s), and sibling(s), of a victim who is a minor.

10 (2) "Collateral source" means a source of benefits, other than welfare  
11 benefits, or advantages for economic loss otherwise compensable under this  
12 chapter ~~which that~~ the claimant has received or ~~which that~~ is readily avail-  
13 able to him from:

14 (a) The offender;

15 (b) The government of the United States or any agency thereof, a state  
16 or any of its political subdivisions, or an instrumentality of two (2)  
17 or more states, unless the law providing for the benefits or advantages  
18 makes them excess or secondary to benefits under this chapter;

19 (c) Social security, medicare, and medicaid;

20 (d) Worker's compensation;

21 (e) Wage continuation programs of any employer;

22 (f) Proceeds of a contract of insurance payable to the claimant for loss  
23 ~~which that~~ was sustained because of the criminally injurious conduct;  
24 or

25 (g) A contract, including an insurance contract, providing hospital  
26 and other health care services or benefits for disability. Any such  
27 contract in this state may not provide that benefits under this chapter  
28 shall be a substitute for benefits under the contract or that the con-  
29 tract is a secondary source of benefits and benefits under this chapter  
30 are a primary source.

31 (3) "Commission" means the industrial commission.

32 (4) "Criminally injurious conduct" means intentional, knowing, or  
33 reckless conduct that:

34 (a) Occurs or is attempted in this state or occurs outside the state of  
35 Idaho against a resident of the state of Idaho and ~~which that~~ occurred  
36 in a state ~~which that~~ does not have a crime victims compensation pro-  
37 gram for which the victim is eligible as eligibility is set forth in this  
38 statute;

39 (b) Constitutes an act of terrorism, as defined by 18 U.S.C. 2331, com-  
40 mitted outside the United States against a resident of this state;

41 (c) Results in injury or death; and

42 (d) Is punishable by fine, imprisonment, or death or would be so punish-  
43 able but for the fact that the person engaging in the conduct lacked ca-  
44 pacity to commit the crime under the laws of this state. Criminally in-  
45 jurious conduct does not include conduct arising out of the ownership,  
46 maintenance, or use of a motor vehicle except when intended to cause  
47 personal injury or death; provided that criminally injurious conduct  
48 shall include violations of the provisions of section 18-4006 3(b),  
49 18-8004, 18-8006, 18-8007, 67-7027, 67-7034 or 67-7035, Idaho Code.

1 (5) "Dependent" means a natural person who is recognized under the law  
 2 of this state to be wholly or partially dependent upon the victim for care or  
 3 support and includes a child if under the age of eighteen (18) years or inca-  
 4 pable of self-support and unmarried and includes a child of the victim con-  
 5 ceived before the victim's death but born after the victim's death, includ-  
 6 ing a child that is conceived as a result of the criminally injurious con-  
 7 duct.

8 (6) "Extenuating circumstances" means that a victim requires further  
 9 mental health treatment due to trauma arising out of covered criminal con-  
 10 duct in order to perform major life functions or the activities of daily liv-  
 11 ing.

12 (7) "Injury" means actual bodily harm or disfigurement and, with re-  
 13 spect to a victim, includes pregnancy, venereal disease, mental or nervous  
 14 shock, or extreme mental distress. For the purposes of this chapter, "ex-  
 15 treme mental distress" means a substantial personal disorder of emotional  
 16 processes, thought or cognition ~~which~~ that impairs judgment, behavior or  
 17 ability to cope with the ordinary demands of life.

18 (8) "Victim" means a person who suffers injury or death as a result of:

19 (a) Criminally injurious conduct;

20 (b) His good faith effort to prevent criminally injurious conduct; or

21 (c) His good faith effort to apprehend a person reasonably suspected of  
 22 engaging in criminally injurious conduct.

23 ~~(9) "Welfare benefits" as used in subsection (2) of this section, shall~~  
 24 ~~include sums payable to or on behalf of an indigent person under chapter 35,~~  
 25 ~~title 31, Idaho Code.~~

26 SECTION 60. That Section 31-3503B, Idaho Code, be, and the same is  
 27 hereby amended to read as follows:

28 31-3503B. RECIPROCAL AGREEMENTS -- OUT-OF-STATE TREATMENT. (1) The  
 29 governor of the state of Idaho or his or her designee is empowered to negoti-  
 30 ate reciprocal agreements with other states for the provision of necessary  
 31 medical services for residents of this and other states.

32 (2) No payment shall be made for necessary medical services to an  
 33 out-of-state provider unless a reciprocal agreement has been entered into  
 34 by the governor of this state, or unless contracted for pursuant to sections  
 35 ~~31-3520 and 31-3522~~, Idaho Code.

36 SECTION 61. An emergency existing therefor, which emergency is hereby  
 37 declared to exist, Sections 1, 3, 4, 50, 51, 53, 55, and 56 of this act shall  
 38 be in full force and effect on and after passage and approval.

39 SECTION 62. Section 16 of this act shall be in full force and effect on  
 40 and after July 1, 2020.

41 SECTION 63. Sections 2, 5 through 15, 17 through 49, 52, 54, and 57  
 42 through 60 of this act shall be in full force and effect on and after July 1,  
 43 2021.