

IN THE SENATE

SENATE BILL NO. 1218

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO CODIFIER'S CORRECTIONS; AMENDING SECTION 19-853, IDAHO CODE, TO  
2 MAKE A CODIFIER'S CORRECTION; AMENDING SECTION 19-860, IDAHO CODE, TO  
3 MAKE A TECHNICAL CORRECTION; AMENDING SECTION 26-106, IDAHO CODE, TO  
4 MAKE A TECHNICAL CORRECTION; AMENDING SECTION 26-3203, IDAHO CODE, TO  
5 PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 26-3205, IDAHO CODE,  
6 TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTIONS 30-2003 THROUGH  
7 30-2009, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES; AMENDING SEC-  
8 TION 30-21-804, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING  
9 SECTION 31-709, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMEND-  
10 ING SECTION 33-1021, IDAHO CODE, AS ENACTED BY SECTION 1, CHAPTER 310,  
11 LAWS OF 2011, TO REDESIGNATE THE SECTION; AMENDING SECTION 33-1630,  
12 IDAHO CODE, AS ENACTED BY SECTION 2, CHAPTER 289, LAWS OF 2015, TO RE-  
13 DESIGNATE THE SECTION; AMENDING SECTION 33-1630, IDAHO CODE, AS ENACTED  
14 BY SECTION 1, CHAPTER 68, LAWS OF 2015, TO REDESIGNATE THE SECTION;  
15 AMENDING SECTION 34-439A, IDAHO CODE, TO MAKE CODIFIER'S CORRECTIONS;  
16 AMENDING SECTION 34-616, IDAHO CODE, TO MAKE A CODIFIER'S CORRECTION;  
17 AMENDING SECTION 36-1402, IDAHO CODE, TO MAKE A CODIFIER'S CORRECTION  
18 AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 47-319, IDAHO  
19 CODE, TO MAKE CODIFIER'S CORRECTIONS AND TO MAKE TECHNICAL CORRECTIONS;  
20 AMENDING SECTION 49-102, IDAHO CODE, TO MAKE A CODIFIER'S CORRECTION;  
21 AMENDING SECTION 49-402, IDAHO CODE, TO MAKE A CODIFIER'S CORRECTION;  
22 AMENDING SECTION 49-420N, IDAHO CODE, AS ENACTED BY SECTION 2, CHAPTER  
23 8, LAWS OF 2015, TO REDESIGNATE THE SECTION; AMENDING THE HEADING FOR  
24 CHAPTER 56, TITLE 54, IDAHO CODE, AS ENACTED BY SECTION 1, CHAPTER 121,  
25 LAWS OF 2015, TO REDESIGNATE THE CHAPTER; AMENDING SECTIONS 54-5601  
26 THROUGH 54-5606, IDAHO CODE, AS ENACTED BY SECTION 1, CHAPTER 121, LAWS  
27 OF 2015, TO REDESIGNATE THE SECTIONS; AMENDING SECTION 54-5607, IDAHO  
28 CODE, AS ENACTED BY SECTION 1, CHAPTER 121, LAWS OF 2015, TO REDES-  
29 IGNATE THE SECTION AND TO PROVIDE A CORRECT CODE REFERENCE; AMENDING  
30 SECTIONS 54-5608 THROUGH 54-5613, IDAHO CODE, AS ENACTED BY SECTION 1,  
31 CHAPTER 121, LAWS OF 2015, TO REDESIGNATE THE SECTIONS; AMENDING SEC-  
32 TION 59-1604, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING  
33 SECTION 61-1702, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING  
34 SECTION 67-2345A, IDAHO CODE, AS ENACTED BY SECTION 2, CHAPTER 271, LAWS  
35 OF 2015, TO REDESIGNATE THE SECTION, TO PROVIDE A CORRECT CODE REFERENCE  
36 AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 67-2601A, IDAHO  
37 CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 67-4740,  
38 IDAHO CODE, TO MAKE A CODIFIER'S CORRECTION AND TO MAKE A TECHNICAL COR-  
39 RECTION; AND AMENDING SECTION 67-7441, IDAHO CODE, TO PROVIDE A CORRECT  
40 CODE REFERENCE.  
41

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

1 SECTION 1. That Section 19-853, Idaho Code, be, and the same is hereby  
2 amended to read as follows:

3 19-853. DUTY TO NOTIFY ACCUSED OR DETAINED OF RIGHT TO COUNSEL. (1) If  
4 a person who is being detained by a law enforcement officer, or who is con-  
5 fined or who is the subject of hospitalization proceedings pursuant to sec-  
6 tion 66-322, 66-326, 66-329, 66-404 or 66-406, Idaho Code, or who is under  
7 formal charge of having committed, or is being detained under a conviction  
8 of, a serious crime, is not represented by an attorney under conditions in  
9 which a person having his own counsel would be entitled to be so represented,  
10 the law enforcement officers concerned, upon commencement of detention, or  
11 the court, upon formal charge or hearing, as the case may be, shall:

12 (a) Clearly inform him of his right to counsel and of the right of an  
13 indigent person to be represented by an attorney at public expense; and

14 (b) If the person detained or charged does not have an attorney, no-  
15 tify the defending attorney or trial court concerned, as the case may  
16 be, that he is not so represented. As used in this subsection, the term  
17 "commencement of detention" includes the taking into custody of a pro-  
18 bationer.

19 (2) Upon commencement of any later judicial proceeding relating to the  
20 same matter including, but not limited to, preliminary hearing, arraign-  
21 ment, trial, any post-conviction proceeding or post-commitment proceeding,  
22 the presiding officer shall clearly inform the person so detained or charged  
23 of his right to counsel and of the right of an indigent person to be repre-  
24 sented by an attorney at public expense. Provided, the appointment of an  
25 attorney at public expense in uniform post-conviction procedure act pro-  
26 ceedings shall be in accordance with section 19-4904, Idaho Code.

27 (3) If a court determines that the person is entitled to be represented  
28 by an attorney at public expense, it shall promptly notify the defending at-  
29 torney.

30 (4) Upon notification by the court ~~or assignment under this section,~~  
31 the defending attorney shall represent the person with respect to whom the  
32 notification is made.

33 SECTION 2. That Section 19-860, Idaho Code, be, and the same is hereby  
34 amended to read as follows:

35 19-860. PUBLIC DEFENDER ~~---TERM~~ -- COMPENSATION -- APPOINTMENT --  
36 QUALIFICATIONS. If the board of county commissioners of a county elects to  
37 establish and maintain an office of public defender and/or juvenile public  
38 defender or a joint office of public defender, the board shall:

39 (1) Prescribe the qualifications of such public defender and his rate  
40 of annual compensation, and, if so desired by the board, a rate of compensa-  
41 tion for extraordinary services not recurring on a regular basis. So far as  
42 is possible, the compensation paid to such public defender shall not be less  
43 than the compensation paid to the county prosecutor for that portion of his  
44 practice devoted to criminal law.

45 (2) Provide for the establishment, maintenance and support of his of-  
46 fice. The board of county commissioners shall appoint a public defender  
47 and/or juvenile public defender from a panel of not more than five (5) and  
48 not fewer than three (3) persons, if that many are available, designated by a

1 committee of lawyers appointed by the administrative judge of the judicial  
 2 district encompassing the county or his designee. To be a candidate, a per-  
 3 son must be licensed to practice law in this state and must be competent to  
 4 counsel and defend a person charged with a crime.

5 SECTION 3. That Section 26-106, Idaho Code, be, and the same is hereby  
 6 amended to read as follows:

7 26-106. DEFINITIONS. As used in this act, unless the context or sub-  
 8 ject matter otherwise requires:

9 (1) "Bank" means any person engaged in soliciting, receiving or accept-  
 10 ing money or its equivalent on deposit as a regular business whether or not  
 11 such deposit, however evidenced, is made subject to check or draft or other  
 12 order.

13 (2) "Banking business" means the soliciting, receiving or accepting of  
 14 money or its equivalent on deposit as a regular business whether such deposit  
 15 is made subject to check or draft or is evidenced by a certificate of de-  
 16 posit, a passbook, a note, a receipt, or other writing; provided, that noth-  
 17 ing herein shall apply to or include money or its equivalent left in escrow or  
 18 left with an agent pending investment in real estate or securities for or on  
 19 account of his principal.

20 (3) "Bank service corporation" means a corporation organized to per-  
 21 form bank services for two (2) or more banks, each of which owns part of the  
 22 capital stock of such corporation, and which are subject to examination by  
 23 either the department of finance of the state of Idaho or a federal bank su-  
 24 pervisory agency.

25 For the purpose of this definition, "bank services" means services such  
 26 as check and deposit sorting and posting, computation and posting of inter-  
 27 est and other credits and charges, preparation and mailing of checks, state-  
 28 ments, notices, and similar items, or any other clerical, bookkeeping, ac-  
 29 counting, statistical, or similar functions performed for a bank.

30 (4) "Borrowing" means any nondeposit liability.

31 (5) "Branch" means any location except a loan production office, mobile  
 32 or temporary facility, customer-bank communication terminal or bank service  
 33 corporation at which a bank performs any or all functions of a bank.

34 (6) "Capital" means the amount of unimpaired paid-up common stock plus  
 35 the amount of paid-up preferred stock issued and unimpaired.

36 (7) "Capital note" means a convertible or nonconvertible note of a bank  
 37 subordinated as to principal and interest to the depositors of the bank and  
 38 containing such conditions as the director may require.

39 (8) "Capital structure" means the total of the capital, surplus, undi-  
 40 vided profits and subordinated capital notes and contingency reserves of the  
 41 bank or such other account as determined by the director of the department of  
 42 finance, less intangible assets.

43 (9) "Common stock" means the stock of a banking corporation other than  
 44 preferred stock.

45 (10) "Commercial paper" means a short-term negotiable instrument aris-  
 46 ing out of a commercial transaction; provided however, that commercial paper  
 47 shall not be construed to be a deposit as defined in this act.

48 (11) "Converting bank" means a bank converting from a state to a na-  
 49 tional bank, or the reverse.

- 1 (12) "Demand deposit" means all deposits except time deposits.
- 2 (13) "Deposit" means the act of placing or lodging money in the custody  
3 of a person, for safety or convenience whether interest-bearing or not, to be  
4 withdrawn at the will of the depositor or under rules, terms and regulations  
5 agreed upon by the depositor and the depository. If the context requires,  
6 deposit may also mean the money so deposited or the credit the depositor re-  
7 ceives for it.
- 8 (14) "Depositor" means any person who deposits money.
- 9 (15) "Director" means the director of the department of finance.
- 10 (16) "Dissenting stockholder" means a stockholder dissenting and vot-  
11 ing his dissent as provided in this act.
- 12 (17) "Executive officer" means each officer of a bank, who by virtue of  
13 his position, has both voice in the formulation of the policy of the bank and  
14 responsibility for the implementation of such policy.
- 15 (18) "Federal funds" means member bank deposits at federal reserve  
16 banks.
- 17 (19) "Federal reserve act" means and includes the act of congress of the  
18 United States approved December 23, 1913, as amended.
- 19 (20) "Federal reserve bank" means a federal reserve bank created and or-  
20 ganized under the authority of the federal reserve act.
- 21 (21) "Federal reserve board" means the board of governors of the federal  
22 reserve system created and described in the federal reserve act.
- 23 (22) "Federal bank supervisory agency" means the comptroller of the  
24 currency, the board of governors of the federal reserve system, or the board  
25 of directors of the federal deposit insurance corporation.
- 26 (23) "Fiduciary" means trustee, agent, executor, administrator, per-  
27 sonal representative, committee, guardian or conservator for a minor or  
28 other incompetent person, receiver, trustee in bankruptcy, assignee for  
29 creditors or any holder of a similar position of trust.
- 30 (24) "Home state" means:
- 31 (a) With respect to a state chartered bank, the state from which the  
32 bank received the charter under which it operates.
- 33 (b) With respect to a national bank, the state in which the main office  
34 of the national bank is located.
- 35 (25) "Host state" means, with respect to any bank, a state other than  
36 the home state of the bank in which the bank maintains or seeks to establish  
37 and maintain a branch.
- 38 (26) "Member bank" means any national bank or state bank which has be-  
39 come or which becomes a member of one (1) of the federal reserve banks created  
40 by the federal reserve act.
- 41 (27) "Merger" means the union of two (2) or more bank corporations by the  
42 transfer of property of all to one (1) of them. As used in this act, "merger"  
43 includes a consolidation.
- 44 (28) "Merging bank" means a party to a merger.
- 45 (29) "Mobile or temporary facility" means a place of business of a bank  
46 from which the bank performs limited activities for limited periods of time.
- 47 (30) "National bank" means a bank organized under the laws of the United  
48 States and issued an organization certificate by the comptroller of the cur-  
49 rency.

1 (31) "Net demand deposits" means the total of the bank's demand deposits  
2 after subtracting from the deposit balance due to any bank the deposit bal-  
3 ance due from the same bank (other than trust funds deposited by either bank)  
4 and any cash items in the process of collection due from or due to such banks  
5 shall be included in determining such net balance, except that balances of  
6 time deposits of any bank and any balances standing to the credit of private  
7 banks, of banks in foreign countries, of foreign branches of other Ameri-  
8 can banks, and of American branches of foreign banks shall be reported gross  
9 without any such subtraction, and excluding any deposits received in any of-  
10 fice of the bank for deposits in any other office of the bank. The amount  
11 of trust funds held in the bank's own trust department, which the bank keeps  
12 segregated and apart from its general assets and does not use in the conduct  
13 of its business, shall not be included as net deposits.

14 (32) "Net profits" means profits remaining after the deduction of all  
15 expenses including depreciation, losses, or doubtful assets, as required by  
16 the director of the department of finance, interest, and taxes accrued or  
17 due.

18 (33) "Person" means an individual, sole proprietorship, partnership,  
19 joint venture, association, trust, estate, business trust, corporation,  
20 limited liability company, not-for-profit corporation, sovereign govern-  
21 ment or agency, instrumentality, or political subdivision thereof, or any  
22 similar entity or organization.

23 (34) "Preferred stock" means a class of the stock of a banking corpora-  
24 tion issued in accordance with section 26-206, Idaho Code, which is accorded  
25 a preference or priority over the common stock of the corporation.

26 (35) "Resulting bank" means the bank resulting from a merger or conver-  
27 sion.

28 (36) "Savings deposit" means a deposit:

29 (a) That consists of funds deposited to the credit of or in which the  
30 entire beneficial interest is held by one (1) or more individuals, or  
31 a corporation, association, or other organization operated primarily  
32 for religious, philanthropic, charitable, educational, fraternal, or  
33 other similar purposes and not operated for profit; or that consists of  
34 funds deposited to the credit of or in which the entire beneficial in-  
35 terest is held by the United States, any state of the United States, or  
36 any county, municipality, or political subdivision thereof, the Dis-  
37 trict of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands,  
38 American Samoa, Guam, or political subdivision thereof; or that con-  
39 sists of funds deposited to the credit of, or in which any beneficial  
40 interest is held by a corporation, association, or other organization  
41 not qualifying above to the extent such funds do not exceed one hundred  
42 fifty thousand dollars (\$150,000) per such depositor at a bank; and

43 (b) With respect to which the depositor is not required by the deposit  
44 contract but may at any time be required by the bank to give notice in  
45 writing of an intended withdrawal not less than thirty (30) days before  
46 such withdrawal is made and which is not payable on a specified date or  
47 at the expiration of a specified time after the date of deposit.

48 (37) "State bank" means any bank chartered by the state of Idaho.

49 (38) "Time certificate of deposit" means a deposit evidenced by a ne-  
50 gotiable or nonnegotiable instrument which provides on its face that the

1 amount of such deposit is payable to bearer or to any specified person or to  
2 his order:

- 3 (a) On a certain date, specified in the instrument, not less than thirty
- 4 (30) days after the date of the deposit; or
- 5 (b) At the expiration of a certain specified time not less than thirty
- 6 (30) days after date of the instrument; or
- 7 (c) Upon notice in writing which is actually required to be given not
- 8 less than thirty (30) days before the date of repayment; and
- 9 (d) In all cases only upon presentation and surrender of the instru-
- 10 ment.

11 (39) "Time deposit" means time certificates of deposit, time deposits  
12 open account, and savings deposits.

13 (40) "Time deposits open account" means a deposit, other than a time  
14 certificate of deposit, with respect to which there is in force a written  
15 contract with the depositor that neither the whole nor any part of such de-  
16 posit may be withdrawn, by check or otherwise, prior to the date of maturity,  
17 which shall be not less than thirty (30) days after the date of the deposit,  
18 or prior to the expiration of the period of notice which must be given by the  
19 depositor in writing not less than thirty (30) days in advance of withdrawal.

20 (41) "Trust department" means the division of a bank which has been  
21 granted trust powers by the director of finance.

22 SECTION 4. That Section 26-3203, Idaho Code, be, and the same is hereby  
23 amended to read as follows:

24 26-3203. DEFINITIONS. The following definitions shall be liberally  
25 construed to accomplish the purposes of this act. In this act, unless the  
26 context otherwise requires:

27 (1) "Account" means the client relationship established with a trust  
28 institution involving the transfer of funds or property to the trust insti-  
29 tution, including a relationship in which the trust company acts as trustee,  
30 executor, administrator, guardian, custodian, conservator, bailee, re-  
31 ceiver, registrar, or agent, but excluding a relationship in which the trust  
32 institution acts solely in an advisory capacity.

33 (2) "Act as a fiduciary" or "acting as a fiduciary" means to:

34 (a) Accept or execute trusts, including to:

35 (i) Act as trustee under a written agreement;

36 (ii) Receive money or other property in its capacity as trustee  
37 for investment in real or personal property;

38 (iii) Act as trustee and perform the fiduciary duties committed or  
39 transferred to it by order of a court of competent jurisdiction;

40 (iv) Act as trustee of the estate of a deceased person; or

41 (v) Act as trustee for a minor or incapacitated person;

42 (b) Administer in any other fiduciary capacity real or tangible per-  
43 sonal property; or

44 (c) Act pursuant to order of court of competent jurisdiction as execu-  
45 tor or administrator of the estate of a deceased person or as a guardian  
46 or conservator for a minor or incapacitated person.

47 (3) "Authorized trust institution" means any state trust company,  
48 trust office or representative trust office.

1 (4) "Bank" has the meaning set forth in 12 U.S.C. 1813(h); provided that  
2 the term "bank" shall not include any "foreign bank" as defined in 12 U.S.C.  
3 3101(7), except for any such foreign bank organized under the laws of a ter-  
4 ritory of the United States, Puerto Rico, Guam, American Samoa or the Virgin  
5 Islands, the deposits of which are insured by the federal deposit insurance  
6 corporation.

7 (5) "Bank supervisory agency" means:

8 (a) Any agency of another state with primary responsibility for char-  
9 tering and supervising a trust institution; and

10 (b) The office of the comptroller of the currency, the federal deposit  
11 insurance corporation, the board of governors of the federal reserve  
12 system, the office of thrift supervision and any successor to these  
13 agencies.

14 (6) "Branch" with respect to a depository institution has the meaning  
15 set forth in section 26-106, Idaho Code.

16 (7) "Charter" means the authority issued by the director or a bank su-  
17 pervisory agency authorizing a trust institution to act as a fiduciary in its  
18 home state.

19 (8) "Client" means a person to whom a trust institution owes a duty or  
20 obligation under a trust or other account administered by the trust insti-  
21 tution or as an advisor or agent, regardless of whether the trust institu-  
22 tion owes a fiduciary duty to the person. The term includes the noncontin-  
23 gent beneficiaries of an account.

24 (9) "Company" includes a bank, trust company, corporation, limited li-  
25 ability company, partnership, association, business trust or another trust.

26 (10) "Department" means the Idaho department of finance.

27 (11) "Depository institution" means any company chartered to act as a  
28 fiduciary and included for any purpose within any of the definitions of "in-  
29 sured depository institution" as set forth in 12 U.S.C. 1813(c) (2) and (3).

30 (12) "Director" means the director of the department of finance.

31 (13) "Foreign bank" means a foreign bank, as defined in section 1(b)(7)  
32 of the international banking act of 1978, chartered to act as a fiduciary in a  
33 state other than this state.

34 (14) "Home state" means:

35 (a) With respect to a federally chartered trust institution and a for-  
36 eign bank, the state in which such institution maintains its principal  
37 office; and

38 (b) With respect to any other trust institution, the state which char-  
39 tered such institution.

40 (15) "Home state regulator" means the bank supervisory agency with pri-  
41 mary responsibility for chartering and supervising an out-of-state trust  
42 institution.

43 (16) "Host state" means a state, other than the home state of a trust in-  
44 stitution, or a foreign country in which the trust institution maintains or  
45 seeks to acquire or establish an office.

46 (17) "New trust office" means a trust office located in a host state  
47 which:

48 (a) Is originally established by the trust institution as a trust of-  
49 fice; and

- 1 (b) Does not become a trust office of the trust institution as a result  
2 of:
- 3 (i) The acquisition of another trust institution or trust office  
4 of another trust institution; or  
5 (ii) A merger, consolidation, or conversion involving any such  
6 trust institution or trust office.
- 7 (18) "Office" with respect to a trust institution means the principal  
8 office, a trust office or a representative trust office, but not a branch.
- 9 (19) "Out-of-state bank" means a bank chartered to act as a fiduciary in  
10 any state or states other than this state.
- 11 (20) "Out-of-state trust company" means either a trust company that is  
12 not a state trust company or a savings association whose principal office is  
13 not located in this state.
- 14 (21) "Out-of-state trust institution" means a trust institution that is  
15 not a state trust institution.
- 16 (22) "Person" means an individual, a company or any other legal entity.
- 17 (23) "Principal office" with respect to:
- 18 (a) A state trust company, means a location registered with the direc-  
19 tor as the state trust company's home office at which:
- 20 (i) The state trust company does business;  
21 (ii) The state trust company keeps its corporate books and a set of  
22 its material records, including material fiduciary records; and  
23 (iii) At least one (1) executive officer of the state trust company  
24 maintains an office.
- 25 (b) A trust institution other than a state trust company, means its  
26 principal place of business in the United States.
- 27 (24) "Representative trust office" means an office at which a trust in-  
28 stitution has been authorized by the director to engage in a trust business  
29 other than acting as a fiduciary.
- 30 (25) "Savings association" means a depository institution that is nei-  
31 ther a bank nor a foreign bank.
- 32 (26) "State" means any state of the United States, the District of Co-  
33 lumbia, any territory of the United States, Puerto Rico, Guam, American  
34 Samoa, the Trust Territory of the Pacific Islands, the Virgin Islands and the  
35 Northern Mariana Islands.
- 36 (27) "State bank" means:
- 37 (a) A bank which has received a charter from the director authorizing it  
38 to operate a trust department; or  
39 (b) A foreign bank as defined in section 1(b)(7) of the international  
40 banking act of 1978 chartered to act as a fiduciary in this state.
- 41 (28) "State trust company" means a corporation organized under this act  
42 and chartered to act as a fiduciary by the state, including a trust company  
43 organized under the laws of this state before the effective date of this act.
- 44 (29) "State trust institution" means a trust institution having its  
45 principal office in this state.
- 46 (30) "Trust business" means the holding out by a person to the public  
47 by advertising, solicitation or other means that the person is available to  
48 perform any service of a fiduciary in this or another state including, but  
49 not limited to:
- 50 (a) Acting as a fiduciary; or



1 (b) To the extent not acting as a fiduciary, any of the following:

2 (i) Receiving for safekeeping personal property of every de-  
3 scription;

4 (ii) Acting as assignee, bailee, conservator, custodian, escrow  
5 agent, registrar, receiver or transfer agent; or

6 (iii) Acting as financial advisor, investment advisor or manager,  
7 agent or attorney-in-fact in any agreed upon capacity.

8 (31) "Trust company" means a state trust company or any other company  
9 chartered to act as a fiduciary that is neither a depository institution nor  
10 a foreign bank.

11 (32) "Trust institution" means a depository institution, foreign bank,  
12 state bank or trust company.

13 (33) "Trust office" means an office, other than the principal office, at  
14 which a trust institution is licensed by the director to act as a fiduciary.

15 (34) "Unauthorized trust activity" means:

16 (a) A person, other than one identified in section 26-3204(1), Idaho  
17 Code, acting as a fiduciary within this state;

18 (b) A person engaging in a trust business in this state at any office of  
19 such person that is not its principal office, if it is a state trust in-  
20 stitution, or that is not a trust office or a representative trust of-  
21 fice of such person, unless the person has been authorized by the direc-  
22 tor, in his discretion, to engage in a trust business in this state in  
23 another manner and upon such conditions as he may require; or

24 (c) An out-of-state trust institution engaging in a trust business in  
25 this state at any time an order issued by the director pursuant to sec-  
26 tion ~~26-3603(2)~~1115, Idaho Code, is in effect.

27 SECTION 5. That Section 26-3205, Idaho Code, be, and the same is hereby  
28 amended to read as follows:

29 26-3205. ACTIVITIES NOT REQUIRING A CHARTER. Notwithstanding any  
30 other provision of this act, a person does not engage in the trust business or  
31 in any other business in a manner requiring a charter under this act, or in an  
32 unauthorized trust activity by:

33 (1) Acting in a manner authorized by law and in the scope of authority  
34 as an agent of a trust institution with respect to an activity which is not an  
35 unauthorized trust activity;

36 (2) Obtaining trust business as a result of an existing attorney-client  
37 relationship or certified public accountant-client relationship;

38 (3) Acting as trustee under a deed of trust delivered only as security  
39 for the payment of money or for the performance of another act;

40 (4) Receiving and distributing rents and proceeds of sale as a licensed  
41 real estate broker on behalf of a principal in a manner authorized by the  
42 Idaho real estate commission;

43 (5) Engaging in a securities transaction or providing an investment ad-  
44 visory service as a licensed and registered broker-dealer, investment ad-  
45 visor or registered representative thereof, provided the activity is regu-  
46 lated by the Idaho department of finance or the securities and exchange com-  
47 mission;

48 (6) Engaging in the sale and administration of an insurance product by  
49 an insurance company or agent licensed by the Idaho department of insurance

1 to the extent that the activity is regulated by the Idaho department of in-  
2 surance;

3 (7) Engaging in the lawful sale of prepaid funeral contracts under a  
4 permit issued by the Idaho board of morticians or engaging in the lawful  
5 business of a perpetual care cemetery under the Idaho endowment care ceme-  
6 tery act;

7 (8) Acting as trustee under a voting trust as provided by the Idaho  
8 business corporation act;

9 (9) Acting as trustee by a public, private, or independent institution  
10 of higher education or a university system, including its affiliated founda-  
11 tions or corporations, with respect to endowment funds or other funds owned,  
12 controlled, provided to or otherwise made available to such institution with  
13 respect to its educational or research purposes;

14 (10) Engaging in other activities expressly excluded from the applica-  
15 tion of this act, by rule of the director;

16 (11) Acting as a fiduciary for relatives;

17 (12) Provided the company is a trust institution and is not barred by or-  
18 der of the director from engaging in a trust business in this state pursuant  
19 to section ~~26-3603(2)~~1115, Idaho Code:

20 (a) Marketing or soliciting in this state through the mails, telephone,  
21 any electronic means or in person with respect to acting or proposing to  
22 act as a fiduciary outside of this state;

23 (b) Delivering money or other intangible assets and receiving the same  
24 from a client or other person in this state; or

25 (c) Accepting or executing outside of this state a trust of any client  
26 or otherwise acting as a fiduciary outside of this state for any client;

27 (13) Acting pursuant to court appointment as:

28 (a) A personal representative of a decedent's estate; or

29 (b) A guardian or conservator of an estate.

30 SECTION 6. That Section 30-2003, Idaho Code, be, and the same is hereby  
31 amended to read as follows:

32 30-2003. INCORPORATION. A benefit corporation shall be incorporated  
33 in accordance with part 2, chapter ~~129~~29, title 30, Idaho Code, but its arti-  
34 cles of incorporation must also state that it is a benefit corporation.

35 SECTION 7. That Section 30-2004, Idaho Code, be, and the same is hereby  
36 amended to read as follows:

37 30-2004. ELECTION OF BENEFIT CORPORATION STATUS. (1) An existing  
38 business corporation may become a benefit corporation under this chapter  
39 by amending its articles of incorporation so that they contain a statement  
40 that the corporation is a benefit corporation. In order to be effective, the  
41 amendment must be adopted by at least the minimum status vote.

42 (2) (a) Except as provided in paragraph (b) of this subsection, if a do-  
43 mestic entity that is not a benefit corporation is a party to a merger  
44 or conversion or the exchanging entity in an interest exchange and the  
45 surviving or converted entity in the merger, conversion or interest ex-  
46 change is to be a benefit corporation, the plan of merger, conversion

1 or interest exchange must be approved by the domestic entity by at least  
2 the minimum status vote.

3 (b) Paragraph (a) of this subsection does not apply in the case of a cor-  
4 poration that is a party to a merger if the shareholders of the corpo-  
5 ration are not entitled to vote on the merger pursuant to section ~~30-1-~~  
6 ~~1105~~ 30-29-1105, Idaho Code.

7 SECTION 8. That Section 30-2005, Idaho Code, be, and the same is hereby  
8 amended to read as follows:

9 30-2005. TERMINATION OF STATUS. (1) A benefit corporation may termi-  
10 nate its status as such and cease to be subject to this chapter by amending  
11 its articles of incorporation to delete the provision adopting benefit cor-  
12 poration status. In order to be effective, the amendment must be adopted by  
13 at least the minimum status vote.

14 (2) (a) Except as provided in paragraph (b) of this subsection, if a  
15 plan of merger, conversion or share exchange would have the effect of  
16 terminating the status of a business corporation as a benefit corpora-  
17 tion, the plan must be adopted by at least the minimum status vote in or-  
18 der to be effective.

19 (b) Paragraph (a) of this subsection does not apply in the case of a cor-  
20 poration that is a party to a merger if the shareholders of the corpo-  
21 ration are not entitled to vote on the merger pursuant to section ~~30-1-~~  
22 ~~1105~~ 30-29-1105, Idaho Code.

23 (3) Any sale, lease, exchange or other disposition of all or substan-  
24 tially all of the assets of a benefit corporation, unless the transaction is  
25 in the usual and regular course of business, shall not be effective unless  
26 the transaction is approved by at least the minimum status vote.

27 SECTION 9. That Section 30-2006, Idaho Code, be, and the same is hereby  
28 amended to read as follows:

29 30-2006. CORPORATE PURPOSES. (1) A benefit corporation shall have a  
30 purpose of creating general public benefit. This purpose is in addition to  
31 its purpose under section ~~30-1-301~~ 30-29-301, Idaho Code.

32 (2) The articles of incorporation of a benefit corporation may identify  
33 one (1) or more specific public benefits that it is the purpose of the bene-  
34 fit corporation to create in addition to its purposes under section ~~30-1-301~~  
35 30-29-301, Idaho Code, and subsection (1) of this section. The identifica-  
36 tion of a specific public benefit under this subsection does not limit the  
37 purpose of a benefit corporation to create general public benefit under sub-  
38 section (1) of this subsection.

39 (3) The creation of general public benefit and specific public benefits  
40 under subsections (1) and (2) of this section is in the best interests of the  
41 benefit corporation.

42 (4) A benefit corporation may amend its articles of incorporation to  
43 add, amend or delete the identification of a specific public benefit that it  
44 is the purpose of the benefit corporation to create. In order to be effec-  
45 tive, the amendment must be adopted by at least the minimum status vote.

1 (5) A professional corporation that is a benefit corporation does not  
2 violate section ~~30-1-1303(2)~~ 30-29-1303(2), Idaho Code, by having the pur-  
3 pose to create general public benefit or a specific public benefit.

4 SECTION 10. That Section 30-2007, Idaho Code, be, and the same is hereby  
5 amended to read as follows:

6 30-2007. STANDARD OF CONDUCT FOR DIRECTORS. (1) In discharging the  
7 duties of their respective positions and in considering the best interests  
8 of the benefit corporation, the board of directors, committees of the board  
9 and individual directors of a benefit corporation shall consider the effects  
10 of any action or inaction on:

11 (a) The shareholders of the benefit corporation;

12 (b) The employees of the benefit corporation;

13 (c) The subsidiaries and suppliers of the benefit corporation;

14 (d) The interests of customers as beneficiaries of the general public  
15 benefit or specific public benefit purposes of the benefit corporation;

16 (e) Community and social factors, including those of each community  
17 in which offices or facilities of the benefit corporation, its sub-  
18 sidiaries, or its suppliers are located;

19 (f) The local and global environment;

20 (g) The short-term and long-term interests of the benefit corporation,  
21 including benefits that may accrue to the benefit corporation from its  
22 long-term plans and the possibility that these interests may be best  
23 served by the continued independence of the benefit corporation; and

24 (h) The ability of the benefit corporation to accomplish its general  
25 public benefit purpose and any specific public benefit purpose.

26 (2) In discharging the duties of their respective positions and in con-  
27 sidering the best interests of the benefit corporation, the board of direc-  
28 tors, committees of the board and individual directors of a benefit corpo-  
29 ration may also consider any other pertinent factors or the interests of any  
30 group that they deem appropriate.

31 (3) The board of directors, committees of the board and individual di-  
32 rectors of a benefit corporation need not give priority to a particular in-  
33 terest or factor referred to in subsection (1) or (2) of this section over any  
34 other interest or factor unless the benefit corporation has stated in its ar-  
35 ticles of incorporation its intention to give priority to certain interests  
36 or factors related to its accomplishment of its general public benefit or of  
37 a specific public benefit purpose identified in its articles of incorpora-  
38 tion.

39 (4) The consideration of interests and factors in the manner required  
40 by this section does not constitute a violation of section ~~30-1-830~~ 30-29-  
41 830, Idaho Code.

42 (5) Except as provided in the articles of incorporation, a director is  
43 not personally liable for monetary damages for:

44 (a) Any action or inaction in the course of performing the duties of a  
45 director under subsection (1) of this section if the director performed  
46 the duties of office in compliance with section ~~3-1-830~~ 30-29-830,  
47 Idaho Code, and this section; or

48 (b) Failure of the benefit corporation to pursue or create general pub-  
49 lic benefit or specific public benefit.

1 (6) A director does not have a duty to a person that is a beneficiary of  
2 the general public benefit purpose or a specific public benefit purpose of a  
3 benefit corporation arising from the status of the person as a beneficiary.

4 SECTION 11. That Section 30-2008, Idaho Code, be, and the same is hereby  
5 amended to read as follows:

6 30-2008. BENEFIT DIRECTOR. (1) The board of directors of a benefit  
7 corporation that is a publicly traded corporation shall, and the board of any  
8 other benefit corporation may, include a director who shall be designated  
9 the benefit director, and shall have, in addition to the powers, duties,  
10 rights and immunities of the other directors of the benefit corporation, the  
11 powers, duties, rights and immunities provided in this chapter.

12 (2) The benefit director shall be elected and may be removed in the  
13 manner provided in sections ~~30-1-803 through 30-1-809~~ 30-29-803 through  
14 30-29-809, Idaho Code. Except as provided in subsection (6) of this section,  
15 the benefit director shall be an individual who is independent. The bene-  
16 fit director may serve as the benefit officer at the same time as serving as  
17 the benefit director. The articles of incorporation or bylaws of a benefit  
18 corporation may prescribe additional qualifications of the benefit director  
19 not inconsistent with this subsection.

20 (3) The benefit director shall prepare and the benefit corporation  
21 shall include in the annual benefit report to shareholders required by  
22 section 30-2012, Idaho Code, the opinion of the benefit director on the fol-  
23 lowing:

24 (a) Whether the benefit corporation acted in accordance with its gen-  
25 eral public benefit purpose and any specific public benefit purpose in  
26 all material respects during the period covered by the report;

27 (b) Whether the directors and officers complied with sections 30-2007  
28 and 30-2009, Idaho Code, respectively; and

29 (c) If, in the opinion of the benefit director, the benefit corporation  
30 or its directors or officers failed to act or comply in the manner de-  
31 scribed in paragraphs (a) and (b) of this subsection, a description of  
32 the ways in which the benefit corporation or its directors or officers  
33 failed to act or comply.

34 (4) The act or inaction of an individual in the capacity of a benefit di-  
35 rector shall constitute for all purposes an act or inaction of that individ-  
36 ual in the capacity of a director of the benefit corporation.

37 (5) Regardless of whether the articles of incorporation or bylaws  
38 of a benefit corporation include a provision eliminating or limiting the  
39 personal liability of directors authorized by section ~~30-1-202~~ 30-29-202,  
40 Idaho Code, a benefit director shall not be personally liable for an act or  
41 omission in the capacity of a benefit director unless the act or omission  
42 constitutes self-dealing, willful misconduct or a knowing violation of law.

43 (6) The benefit director of a professional corporation organized under  
44 chapter 13, title 30, Idaho Code, does not need to be independent.

45 SECTION 12. That Section 30-2009, Idaho Code, be, and the same is hereby  
46 amended to read as follows:

1 30-2009. STANDARD OF CONDUCT FOR OFFICERS. (1) Each officer of a bene-  
 2 fit corporation shall consider the interests and factors as provided in sec-  
 3 tion 30-2007, Idaho Code, if the officer has discretion to act with respect  
 4 to a matter, and it reasonably appears to the officer that the matter may have  
 5 a material effect on the creation by the benefit corporation of general pub-  
 6 lic benefit or a specific public benefit identified in the articles of incor-  
 7 poration.

8 (2) The consideration of interests and factors as provided in subsec-  
 9 tion (1) of this section shall not constitute a violation of sections ~~30-1-~~  
 10 ~~841 and 30-1-842~~ 30-29-841 and 30-29-842, Idaho Code.

11 (3) Except as provided in the articles of incorporation or bylaws, an  
 12 officer is not personally liable for monetary damages for:

13 (a) An action or inaction as an officer in the course of performing the  
 14 duties of an officer under subsection (1) of this section if the officer  
 15 performed the duties of the position in compliance with sections ~~30-1-~~  
 16 ~~841 and 30-1-842~~ 30-29-841 and 30-29-842, Idaho Code, and this section;  
 17 or

18 (b) Failure of the benefit corporation to pursue or create general pub-  
 19 lic benefit or specific public benefit.

20 (4) An officer does not have a duty to a person that is a beneficiary of  
 21 the general public benefit purpose or a specific public benefit purpose of a  
 22 benefit corporation arising from the status of the person as a beneficiary.

23 SECTION 13. That Section 30-21-804, Idaho Code, be, and the same is  
 24 hereby amended to read as follows:

25 30-21-804. NAME USED AS ASSUMED BUSINESS NAME. (a) On or after July 1,  
 26 2014<sup>5</sup>, an assumed business name:

27 (1) Must comply with section 30-21-301(a) and (e), Idaho Code; and

28 (2) May not contain any of the words or abbreviations required for an  
 29 entity under section 30-21-302, Idaho Code; and

30 (3) May not be only the true name of an individual.

31 (b) The name of a filing entity or limited liability partnership does  
 32 not have to be distinguishable from an assumed business name in a certificate  
 33 of assumed business name filed before the entity's public organic record,  
 34 statement of qualification, or foreign entity registration statement is  
 35 filed, and the assumed business name is not invalidated by the subsequent  
 36 filing by the filing entity or limited liability partnership.

37 SECTION 14. That Section 31-709, Idaho Code, be, and the same is hereby  
 38 amended to read as follows:

39 31-709. RECORDS TO BE KEPT. The board must cause to be kept permanently  
 40 and indefinitely, in accordance with the provisions of sections ~~9-331 and~~  
 41 ~~9-332~~ 31-871A, Idaho Code:

42 1. Minute records, in which must be recorded all orders and decisions  
 43 made by them, and the daily proceedings had at all regular and special meet-  
 44 ings.

45 2. Allowance records, in which must be recorded all orders for the al-  
 46 lowance of money from the county treasury, to whom made, and on what account,  
 47 dating, numbering and indexing the same through each year.

1           3. Road records, containing all proceedings and adjudications relating  
2 to the establishment, maintenance, change and discontinuance of roads, road  
3 districts, and overseers thereof, their reports and accounts.

4           4. Franchise records, containing all franchises granted by them, for  
5 what purpose, the length of time and to whom granted, the amount of bond and  
6 license tax required.

7           5. Warrant records, to be kept by the county auditor, in which must be  
8 entered, in the order of drawing, all warrants drawn on the treasury, with  
9 their number and reference to the order on the minute book, with the date,  
10 amount, on what account, and name of payee.

11           6. Ordinance records, containing all ordinances, stating the date en-  
12 acted.

13           7. Resolutions records, containing all resolutions, stating the date  
14 adopted.

15           SECTION 15. That Section 33-1021, Idaho Code, as enacted by Section 1,  
16 Chapter 310, Laws of 2011, be, and the same is hereby amended to read as fol-  
17 lows:

18           33-10213. MONEYS PROVIDED FROM UNANTICIPATED PUBLIC CHARTER SCHOOL  
19 CLOSURE. In the event a public charter school closes and ceases to provide  
20 educational instruction during the course of a school year, the following  
21 provisions relating to funding shall apply:

22           (1) A school district or public charter school shall report to the state  
23 department of education all newly enrolled students when such students have  
24 enrolled from a public charter school that has closed during a school year.

25           (2) The state department of education shall use the reported enroll-  
26 ment information provided for in subsection (1) of this section to calculate  
27 the funding that the district or public charter school would have received  
28 had those reported new enrollees been enrolled in such district for the en-  
29 tire school year. Such funding shall be prorated based on the percent of days  
30 left in the school year following the enrollment of new students. Such fund-  
31 ing shall be included in the next scheduled payment to the school district or  
32 public charter school.

33           SECTION 16. That Section 33-1630, Idaho Code, as enacted by Section 2,  
34 Chapter 289, Laws of 2015, be, and the same is hereby amended to read as fol-  
35 lows:

36           33-16301. REQUIREMENTS FOR HARASSMENT, INTIMIDATION AND BULLYING IN-  
37 FORMATION AND PROFESSIONAL DEVELOPMENT. (1) School districts and charter  
38 schools shall undertake reasonable efforts to ensure that information on  
39 harassment, intimidation and bullying of students is disseminated annually  
40 to all school personnel, parents and students, including an affirmation  
41 that school personnel are authorized and expected to intervene or facilitate  
42 intervention on behalf of students facing harassment, intimidation or bul-  
43 lying.

44           (2) School districts and charter schools shall provide ongoing profes-  
45 sional development to build skills of all school staff members to prevent,  
46 identify and respond to harassment, intimidation and bullying. The state

1 board shall promulgate rules regarding the content of the professional de-  
2 velopment required by this subsection.

3 (3) District policies shall include a series of graduated consequences  
4 that may include, but are not limited to, referral to counseling, diversion,  
5 use of juvenile specialty courts, restorative practices, on-site suspension  
6 and expulsion for any student who commits an act of bullying, intimidation,  
7 harassment, violence or threats of violence. Guidelines for such policies  
8 will be set forth in the rules of the state board.

9 (4) Annually school districts shall report bullying incidents to the  
10 state department of education in a format set forth in rule by the state  
11 board. District policy shall designate persons to whom bullying reports are  
12 to be made and a procedure for a teacher or other school employee, student,  
13 parent, guardian or other person to report or otherwise provide information  
14 on bullying activity.

15 SECTION 17. That Section 33-1630, Idaho Code, as enacted by Section 1,  
16 Chapter 68, Laws of 2015, be, and the same is hereby amended to read as fol-  
17 lows:

18 33-1630~~2~~. MASTERY-BASED EDUCATION. (1) The legislature finds that  
19 moving toward a mastery-based model of education where students progress  
20 as they demonstrate mastery of a subject or grade level is in the best in-  
21 terest of Idaho students. The legislature further finds that moving from  
22 the current time-based system with a mastery-based model will allow for  
23 more personalized and differentiated learning; create a focus on explicit,  
24 measurable, transferable learning objectives that empower students; and  
25 emphasize competencies that include application and knowledge along with  
26 skill development.

27 (2) The state department of education shall perform the following ac-  
28 tivities to move Idaho toward a mastery-based education system:

29 (a) Conduct a statewide awareness campaign to promote understanding  
30 and interest in mastery-based education for teachers, administrators,  
31 parents, students, business leaders and policymakers;

32 (b) Establish a committee of educators to identify roadblocks and pos-  
33 sible solutions in implementing mastery-based education and develop  
34 recommendations for the incubator process; and

35 (c) Facilitate the planning and development of an incubator process and  
36 assessments of local education agencies to identify the initial cohort  
37 of twenty (20) local education agencies to serve as incubators in fiscal  
38 year 2017.

39 (3) The cost of activities provided for in this section shall be paid  
40 by the state department of education from moneys appropriated for this pro-  
41 gram in the educational support program budget as provided for in section  
42 33-1002, Idaho Code.

43 (4) Not later than January 31 of each year, the state department of ed-  
44 ucation shall report annually to the state board of education and the edu-  
45 cation committees of the senate and house of representatives regarding the  
46 progress toward implementing mastery-based education.

47 (5) For purposes of this section:

48 (a) "Incubator process" means a process where districts and charter  
49 schools that are willing and ready to start moving toward a mas-



1 tery-based education system would be identified through site assess-  
2 ments and would form an initial cohort of incubators for mastery-based  
3 education. The incubators would receive support for staff profes-  
4 sional development, stakeholder education and ongoing assessment and  
5 coaching. These incubators would provide data and best practices for  
6 continued implementation of mastery-based education.

7 (b) "Mastery-based education system" means an education system where  
8 student progress is based upon a student's demonstration of mastery of  
9 competencies and content, not seat time or the age or grade level of the  
10 student.

11 SECTION 18. That Section 34-439A, Idaho Code, be, and the same is hereby  
12 amended to read as follows:

13 34-439A. DISCLOSURES IN ELECTIONS TO AUTHORIZE LEVY. (1) Notwith-  
14 standing any other provision of law except for the provisions of section  
15 63-802(1)(g), Idaho Code, any taxing district that proposes to submit any  
16 question to the electors of the district that would authorize any levy,  
17 except for the levies authorized for the purposes provided in sections  
18 63-802(1)(g) and 33-802(4), Idaho Code, and except for levies relating to  
19 bonded indebtedness where section 34-439, Idaho Code, applies, shall in-  
20 clude in the ballot question, or in a brief official statement on the ballot  
21 but separate from the ballot question, a disclosure setting forth in simple,  
22 understandable language information on the proposal substantially as fol-  
23 lows:

24 (a) The purpose for which the levy shall be used; the date of the elec-  
25 tion; and the dollar amount estimated to be collected each year from the  
26 levy; and

27 (b) The length of time, reflected in months or years, in which the pro-  
28 posed levy will be assessed.

29 (2) The information called for in subsection (1) of this section shall  
30 be placed prior to the location on the ballot where a person casts a vote and  
31 shall also be included in like manner in the official notice of the election.

32 SECTION 19. That Section 34-616, Idaho Code, be, and the same is hereby  
33 amended to read as follows:

34 34-616. ELECTION -- SELECTION -- OF DISTRICT JUDGES -- QUALIFICA-  
35 TIONS. (1) At the primary election, 1974, and every four (4) years there-  
36 after, subject to the provisions of section 34-1217, Idaho Code, there shall  
37 be elected in each judicial district a sufficient number of district judges  
38 to fill any vacancy or vacancies occasioned by the expiration of the term or  
39 terms of office of any member or members.

40 (2) To be elected to the office of district judge a person must, at the  
41 time of such election, meet all of the following qualifications:

42 (a) Be at least thirty (30) years of age;

43 (b) Be a citizen of the United States and an elector in the judicial dis-  
44 trict in which elected;

45 (c) Have been a legal resident of the state of Idaho for at least two (2)  
46 continuous years immediately preceding such election;

1 (d) Have been in good standing as an active or judicial member of the  
 2 Idaho state bar for at least two (2) continuous years immediately pre-  
 3 ceding such election; and

4 (e) Have held a license to practice law or held a judicial office in one  
 5 (1) or more jurisdictions for at least ten (10) continuous years immedi-  
 6 ately preceding such election. ~~within~~

7 (3) Each candidate for election shall file a declaration of candidacy  
 8 with the secretary of state.

9 (4) Each candidate who files a declaration of candidacy shall at the  
 10 same time pay a filing fee of one hundred fifty dollars (\$150) which shall be  
 11 deposited in the general fund.

12 (5) To be appointed to the office of district judge a person must, at the  
 13 time of such appointment, meet all of the following qualifications:

14 (a) Be at least thirty (30) years of age;

15 (b) Be a citizen of the United States and an elector of the state of  
 16 Idaho;

17 (c) Have been a legal resident of the state of Idaho for at least two (2)  
 18 continuous years immediately preceding such appointment;

19 (d) Have been in good standing as an active or judicial member of the  
 20 Idaho state bar for at least two (2) continuous years immediately pre-  
 21 ceding such appointment; and

22 (e) Have held a license to practice law or held a judicial office in one  
 23 (1) or more jurisdictions for at least ten (10) continuous years immedi-  
 24 ately preceding such appointment.

25 (6) For purposes of this section, the following terms have the follow-  
 26 ing meanings:

27 (a) "Active," "judicial" and "good standing" have the same definitions  
 28 as those terms are given by rule 301 of the Idaho bar commission rules or  
 29 any successors to those rules;

30 (b) "Jurisdiction" means a state or territory of the United States, the  
 31 District of Columbia or any branch of the United States military; and

32 (c) "Elector" means one who is lawfully registered to vote.

33 SECTION 20. That Section 36-1402, Idaho Code, be, and the same is hereby  
 34 amended to read as follows:

35 36-1402. PENALTY -- INFRACTION -- MISDEMEANOR -- FELONY -- REVOCATION  
 36 OF LICENSE -- DISPOSITION OF MONEYS. (a) Infraction Penalty. Except as pro-  
 37 vided for in subsection (b) of this section, any person who pleads guilty to  
 38 or is found guilty of an infraction of this code, or rules or proclamations  
 39 promulgated pursuant thereto, shall be subject to a fine of seventy-two dol-  
 40 lars (\$72.00).

41 (b) A violation of section 36-1401(a)1.(K) through (L) or (a)2.(S)  
 42 through (~~Y~~), Idaho Code, shall constitute an infraction subject to a fine of  
 43 two hundred fifty dollars (\$250).

44 (c) Misdemeanor Penalty. Any person entering a plea of guilty for,  
 45 found guilty of or convicted of a misdemeanor under the provisions of this  
 46 title or rules or proclamations promulgated pursuant thereto shall, ex-  
 47 cept in cases where a higher penalty is prescribed, be fined in a sum of not  
 48 less than twenty-five dollars (\$25.00) nor more than one thousand dollars  
 49 (\$1,000) and/or by commitment to jail for not more than six (6) months. The

1 minimum fine, per animal, fish or bird, for the illegal taking, illegal pos-  
 2 session or the illegal waste of the following animals, fish or birds shall be  
 3 as indicated below:

4	Animal, Fish or Bird	Minimum Fine
5	Bighorn sheep, mountain goat and moose	\$500
6	Elk	\$300
7	Any other big game animal	\$200
8	Wild turkey, swan and sturgeon	\$200
9	Chinook salmon, wild steelhead and bull trout	\$100
10	Any other game bird, game fish or furbearer	\$ 25

11 (d) Felony Penalty. Any person entering a plea of guilty for, found  
 12 guilty of or convicted of a felony under the provisions of this title shall be  
 13 punished in accordance with section 18-112, Idaho Code. Provided further,  
 14 that the judge hearing the case shall forthwith revoke for life, the hunting,  
 15 fishing or trapping license and privileges of any person who, within a five  
 16 (5) year period, pleads guilty to, is found guilty of or is convicted of three  
 17 (3) or more felony violations of the provisions of this title.

18 (e) License Revocation. Any person entering a plea of guilty or being  
 19 found guilty or convicted of violating any of the provisions of this title,  
 20 or who otherwise fails to comply with the requirements of a citation in con-  
 21 nection with any such offense, may, in addition to any other penalty assessed  
 22 by the court, have his hunting, fishing, or trapping privileges revoked for  
 23 such period of time as may be determined by the court not to exceed three (3)  
 24 years, except that violations classified as felonies under section 36-1401,  
 25 Idaho Code, or as flagrant violations as defined in subsection (f) of this  
 26 section, shall authorize the court to impose license revocations for peri-  
 27 ods of time up to and including life, with said period beginning on the date  
 28 of conviction, finding of guilt or the entry of the plea of guilty. Pro-  
 29 vided further, that the magistrate hearing the case shall forthwith revoke  
 30 the hunting, fishing, or trapping privileges for a period of not less than  
 31 one (1) year for any of the following offenses:

- 32 1. Taking or possessing upland game birds, migratory waterfowl,  
 33 salmon, steelhead, sturgeon, or any big game animal during closed sea-  
 34 son.
- 35 2. Exceeding the daily bag or possession limit of upland game birds, mi-  
 36 gratory waterfowl or big game animals.
- 37 3. Taking any fish by unlawful methods as set forth in section 36-902 (a)  
 38 or (c), Idaho Code.
- 39 4. Unlawfully purchasing, possessing or using any license, tag or per-  
 40 mit as set forth in section 36-405 (c), Idaho Code.
- 41 5. Trespassing in violation of warning signs or failing to depart the  
 42 real property of another after notification as set forth in section  
 43 36-1603, Idaho Code.
- 44 6. The unlawful release of any species of live fish into any public body  
 45 of water in the state. For purposes of this paragraph, an "unlawful re-  
 46 lease of any species of live fish" shall mean a release of any species of  
 47 live fish, or live eggs thereof, in the state without the permission of  
 48 the director of the department of fish and game; provided, that no per-

1 mission is required when fish are being freed from a hook and released at  
2 the same time and place where caught or when crayfish are being released  
3 from a trap at the same time and place where caught.

4 Provided further, that the magistrate hearing the case of a first-time  
5 hunting violation offender under the age of twenty-one (21) years may re-  
6 quire that the offender attend a remedial hunter education course at the of-  
7 fender's expense. Upon successful completion of the course, the remainder  
8 of the revocation period shall be subject to a withheld judgment so long as  
9 the offender is not convicted of any additional hunting violations during  
10 the period. The cost of the course shall be seventy-five dollars (\$75.00) to  
11 be paid to the department. The commission shall establish by rule the cur-  
12 riculum of the hunter education remedial course.

13 The revocation shall consist of cancellation of an existing license for  
14 the required length of time and/or denial of the privilege of purchasing an  
15 applicable license for the length of time required to meet the revocation  
16 period decreed. In the case of persons pleading guilty, convicted or found  
17 guilty of committing multiple offenses, the revocation periods may run  
18 consecutively. In the case of pleas of guilty, convictions or findings of  
19 guilt involving taking big game animals during closed season or exceeding  
20 the daily bag or possession limit of big game, the magistrate hearing the  
21 case shall revoke the hunting, fishing or trapping privileges of any person  
22 convicted or found guilty of those offenses for a period of not less than one  
23 (1) year for each big game animal illegally taken or possessed by the person  
24 convicted or found guilty.

25 It shall be a misdemeanor for any person to hunt, fish, or trap or pur-  
26 chase a license to do so during the period of time for which such privilege is  
27 revoked.

28 For the purpose of this title, the term "conviction" shall mean either a  
29 withheld judgment or a final conviction.

30 (f) **Flagrant Violations.** In addition to any other penalties assessed  
31 by the court, the magistrate hearing the case shall forthwith revoke the  
32 hunting, fishing or trapping privileges, for a period of not less than one  
33 (1) year and may revoke the privileges for a period up to and including the  
34 person's lifetime, for any person who enters a plea of guilty, who is found  
35 guilty, or who is convicted of any of the following flagrant violations:

- 36 1. Taking a big game animal after sunset by spotlighting, with use of  
37 artificial light, or with a night vision enhancement device.
- 38 2. Unlawfully taking two (2) or more big game animals within a twelve  
39 (12) month period.
- 40 3. Taking a big game animal with a rimfire or centerfire cartridge  
41 firearm during an archery or muzzleloader only hunt.
- 42 4. Hunting, fishing, trapping or purchasing a license when license  
43 privileges have been revoked pursuant to this section or section  
44 36-1501, Idaho Code.
- 45 5. Taking any big game animal during a closed season.
- 46 6. Any felony violation provided in section 36-1401, Idaho Code.

47 (g) For purposes of the wildlife violator compact, section 36-2301,  
48 Idaho Code, et seq., the department shall:

- 49 1. Suspend a violator's license for failure to comply with the terms of  
50 a citation from a party state. A copy of a report of failure to comply

1 from the licensing authority of the issuing state shall be conclusive  
2 evidence.

3 2. Revoke a violator's license for a conviction in a party state. A  
4 report of conviction from the licensing authority of the issuing state  
5 shall be conclusive evidence.

6 (h) Disposition of Fines and Forfeitures. Distribution of fines and  
7 forfeitures remitted shall be in accordance with section 19-4705, Idaho  
8 Code.

9 SECTION 21. That Section 47-319, Idaho Code, be, and the same is hereby  
10 amended to read as follows:

11 47-319. LAND SUBJECT TO ACT -- AUTHORITY OF COMMISSION. (1) This act  
12 shall apply to all lands located in the state, however owned, including any  
13 lands owned or administered by any government or any agency or political sub-  
14 division thereof, over which the state under its police power, has jurisdic-  
15 tion.

16 (2) The commission is authorized and it is its duty to regulate the ex-  
17 ploration for and production of oil and gas, prevent waste of oil and gas and  
18 to protect correlative rights, and otherwise to administer and enforce this  
19 act. It has jurisdiction over all persons and property necessary for such  
20 purposes. In the event of a conflict, the duty to prevent waste is paramount.

21 (3) The commission is authorized to make such investigations as it  
22 deems proper to determine whether action by the commission in discharging  
23 its duties is necessary.

24 (4) The commission is authorized to appoint, as necessary, committees  
25 for the purpose of advising the commission on matters relating to oil and  
26 gas.

27 (5) Without limiting its general authority, the commission shall have  
28 the specific authority to require:

29 (a) Identification of ownership of oil or gas wells, producing leases,  
30 tanks, plants, structures, and facilities for the transportation or re-  
31 fining of oil and gas;

32 (b) The taking and preservation of samples and the making and filing  
33 with the commission of true and correct copies of well logs and direc-  
34 tional surveys both in form and content as prescribed by the commission;  
35 provided however, that logs of exploratory or wildcat wells marked con-  
36 fidential shall be subject to disclosure according to chapter 1, title  
37 74, Idaho Code, and shall be kept confidential by the commission for a  
38 period of one (1) year from the date of filing the log with the commis-  
39 sion. And provided that the commission may use any well logs and direc-  
40 tional surveys in any action to enforce the provisions of this chapter  
41 or any order or rule adopted hereunder. And provided further, that af-  
42 ter four (4) months from the effective date of this act, the commission  
43 may require the owner of a well theretofore drilled for oil or gas to  
44 file within four (4) months of such order a true and correct copy of the  
45 log or logs of such well;

46 (c) The drilling, casing, operation and plugging of wells in such man-  
47 ner as to prevent: (i) the escape of oil or gas out of one (1) pool into  
48 another; (ii) the detrimental intrusion of water into an oil or gas pool  
49 that is avoidable by efficient operations; (iii) the pollution of fresh

1 water supplies by oil, gas, or ~~salt water~~ saltwater; (iv) blow-outs,  
2 cavings, seepages, and fires; and (v) waste as hereinabove defined;

3 (d) The taking of tests of oil or gas wells;

4 (e) The furnishing of a reasonable performance bond with good and suf-  
5 ficient surety, conditioned upon the performance of the duty to comply  
6 with the requirements of this law and the regulations of the commission  
7 with respect to the drilling, maintaining, operating and plugging of  
8 each well drilled for oil or gas;

9 (f) That the production from wells be separated into gaseous and liquid  
10 hydrocarbons, and that each be measured by means and upon standards that  
11 may be prescribed by the commission;

12 (g) That wells not be operated with inefficient gas-oil or water-oil  
13 ratios, and to fix these ratios, and to limit production from wells with  
14 inefficient gas-oil or water-oil ratios;

15 (h) Metering or other measuring of oil, gas, or product;

16 (i) That every person who produces oil and gas in the state keep and  
17 maintain for a period of five (5) years complete and accurate records  
18 of the quantities thereof, which records, or certified copies thereof,  
19 shall be available for examination by the commission or its agents at  
20 all reasonable times within said period, and that every such person file  
21 with the commission such reasonable reports as it may prescribe with  
22 respect to such oil or gas production. Provided however, that reports  
23 of oil and gas production shall be kept confidential by the commission  
24 and shall be exempt from disclosure pursuant to section ~~9-340D~~ 74-107,  
25 Idaho Code, for a period of six (6) months from the date of filing the  
26 initial production report for a well with the commission, and there-  
27 after all production reports for a well shall be subject to disclosure  
28 pursuant to ~~chapter 3, title 9~~ chapter 1, title 74, Idaho Code; and

29 (j) The filing of reports of plats with the commission that it may pre-  
30 scribe.

31 (6) Without limiting its general authority, and without limiting the  
32 authority of other state agencies or local government as provided by law, the  
33 commission shall have the specific authority to regulate:

34 (a) The drilling and plugging of wells and the compression or dehydra-  
35 tion of produced oil and gas, and all other operations for the produc-  
36 tion of oil and gas;

37 (b) The shooting and treatment of wells;

38 (c) The spacing or locating of wells;

39 (d) Operations to increase ultimate recovery, such as cycling of gas,  
40 the maintenance of pressure, and the introduction of gas, water, or  
41 other substances into a producing formation; and

42 (e) The disposal of ~~salt water~~ saltwater and ~~oil-field~~ oil field  
43 wastes.

44 (7) The commission is authorized to classify and reclassify pools as  
45 oil, gas, or condensate pools, or wells as oil, gas, or condensate wells.

46 (8) The commission is authorized to make and enforce rules, regula-  
47 tions, and orders reasonably necessary to prevent waste, protect correla-  
48 tive rights, to govern the practice and procedure before the commission, and  
49 otherwise to administer this act.

1 SECTION 22. That Section 49-102, Idaho Code, be, and the same is hereby  
2 amended to read as follows:

3 49-102. DEFINITIONS -- A. (1) "Abandon" means to leave a vehicle on  
4 private property without the permission of the person having rights to the  
5 possession of the property, or on a highway or other property open to the  
6 public for the purposes of vehicular traffic or parking, or upon or within  
7 the right-of-way of any highway, for twenty-four (24) hours or longer.

8 (2) "Abandoned vehicle" means any vehicle observed by an authorized of-  
9 ficer or reported by a member of the public to have been left within the lim-  
10 its of any highway or upon the property of another without the consent of the  
11 property owner for a period of twenty-four (24) hours or longer, except that  
12 a vehicle shall not be considered abandoned if its owner-operator is unable  
13 to remove it from the place where it is located and has notified a law en-  
14 forcement agency and requested assistance.

15 (3) "Accident" means any event that results in an unintended injury or  
16 property damage attributable directly or indirectly to the motion of a motor  
17 vehicle or its load, a snowmobile or special mobile equipment.

18 (4) "Actual physical control" means being in the driver's position of a  
19 motor vehicle with the motor running or the vehicle moving.

20 (5) "Administrator" means the federal highway administrator, the chief  
21 executive of the federal highway administration, an agency within the U.S.  
22 department of transportation.

23 (6) "Age of a motor vehicle" means the age determined by subtracting  
24 the manufacturer's year designation of the vehicle from the year in which the  
25 designated registration fee is paid. If the vehicle has the same manufac-  
26 turer's year designation as the year in which the fee is paid, or if a vehicle  
27 has a manufacturer's year designation later than the year in which the fee is  
28 paid, the vehicle shall be deemed to be one (1) year old.

29 (7) "Agricultural products" means the following unprocessed products:

30 (a) Agricultural, horticultural, floricultural and viticultural prod-  
31 ucts;

32 (b) Fruits and vegetable products;

33 (c) Field grains, seeds, hay, sod and nursery stock, and other plants,  
34 plant products, plant byproducts, plant waste and plant compost;

35 (d) Livestock, dairy animals, swine, furbearing animals, poultry,  
36 eggs, fish and other aquatic species;

37 (e) Other animals, animal products and animal byproducts, animal waste  
38 and animal compost; and

39 (f) Bees, bee products and bee byproducts.

40 (8) "Air-conditioning equipment" means mechanical vapor compression  
41 refrigeration equipment which is used to cool the driver's or passenger com-  
42 partment of any motor vehicle.

43 (9) "Alcohol or alcoholic beverage" means:

44 (a) Beer as defined in 26 U.S.C. section 5052(a), of the Internal Rev-  
45 enue Code;

46 (b) Wine of not less than one-half of one percent (.005%) of alcohol by  
47 volume; or

48 (c) Distilled spirits as defined in section 5002(a)(8), of the Internal  
49 Revenue Code.

1 (10) "Alley" means a public way of limited use intended only to provide  
2 access to the rear or side of lots or buildings in urban districts.

3 (11) "All-terrain vehicle" or "ATV" means an all-terrain vehicle or ATV  
4 as defined in section 67-7101, Idaho Code.

5 (12) "Amateur radio operator." (See "Radio operator, amateur," section  
6 49-119, Idaho Code)

7 (13) "Ambulance" means a motor vehicle designed and used primarily for  
8 the transportation of injured, sick, or deceased persons, on stretchers,  
9 cots, beds, or other devices for carrying persons in a prone position.

10 (14) "Applicant" means an individual who applies to obtain, transfer,  
11 upgrade, or renew a driver's license.

12 (15) "Approved driver training course" means a training course from a  
13 school licensed under the provisions of chapter 21 of this title or a driver  
14 training course approved by another United States jurisdiction provided the  
15 course was taken while an individual was a resident of that United States ju-  
16 risdiction.

17 (16) "Approved testing agency" means a person, firm, association, part-  
18 nership or corporation approved by the director of the Idaho state police  
19 which is:

20 (a) In the business of testing equipment and systems;

21 (b) Recognized by the director as being qualified and equipped to do ex-  
22 perimental testing; and

23 (c) Not under the jurisdiction or control of any single manufacturer or  
24 supplier for an affected industry.

25 (17) "Armed forces" means the army, navy, marine corps, coast guard and  
26 the air force of the United States.

27 (18) "Authorized emergency vehicle." (See "Vehicle," section 49-123,  
28 Idaho Code)

29 (19) "Authorized officer" means any member of the Idaho state police, or  
30 any regularly employed and salaried deputy sheriff, or other county employee  
31 designated to perform the function of removing abandoned vehicles or junk  
32 vehicles by the board of county commissioners of the county in which a vehi-  
33 cle is located, or any regularly employed and salaried city peace officer or  
34 other city employee designated to perform the function of removing abandoned  
35 vehicles or junk vehicles by the city council, or a qualified person depu-  
36 tized or appointed by the proper authority as reserve deputy sheriff or city  
37 policeman, authorized within the jurisdiction in which the abandoned vehi-  
38 cle or junk vehicle is located.

39 (20) "Authorized transportation department employee" means any em-  
40 ployee appointed by the board to perform duties relating to enforcement of  
41 vehicle laws as have been specifically defined and approved by order of the  
42 board (see section 40-510, Idaho Code).

43 (21) "Auto transporter" means a vehicle combination constructed for the  
44 purpose of transporting vehicles.

45 (21~~2~~) "Autocycle" means a motor vehicle designed to travel on not more  
46 than three (3) wheels in contact with the ground that has a steering wheel and  
47 seating that does not require the operator to straddle or sit astride.

48 SECTION 23. That Section 49-402, Idaho Code, be, and the same is hereby  
49 amended to read as follows:



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

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

11 There shall be twelve (12) registration periods, starting in January  
12 for holders of validation registration stickers numbered 1, and proceed-  
13 ing consecutively through December for holders of validation registration  
14 stickers numbered 12, each of which shall start on the first day of a calendar  
15 month and end on the last day of the twelfth month from the first day of the  
16 beginning month. Registration periods shall expire midnight on the last day  
17 of the registration period in the year designated by the validation regis-  
18 tration sticker. The numeral digit on the validation registration stickers  
19 shall, as does the registration card, fix the registration period under the  
20 staggered registration system for the purpose of reregistration and notice  
21 of expiration.

22 A vehicle that has once been registered for any of the above designated  
23 periods shall, upon reregistration, be registered for the period bearing the  
24 same number, and the registration card shall show and be the exclusive proof  
25 of the expiration date of registration and licensing. Vehicles may be ini-  
26 tially registered for less than a twelve (12) month period, or for more than a  
27 twelve (12) month period, and the fee prorated on a monthly basis if the frac-  
28 tional registration tends to fulfill the purpose of the monthly series reg-  
29 istration system.

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

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

41 (4) For operation of an all-terrain vehicle, utility type vehicle or  
42 motorbike, excluding a motorbike with an engine displacement of fifty (50)  
43 cubic centimeters or less, on city, county or highway district roads or  
44 highways open to such use, a restricted vehicle license plate fee pursuant  
45 to section 49-450, Idaho Code, shall be paid. In addition, the registration  
46 fee specified in section 67-7122, Idaho Code, shall be paid as provided in  
47 section 67-7122, Idaho Code. The registration and restricted vehicle li-  
48 cense plate exemption provided in section 49-426(2), Idaho Code, applies  
49 to all-terrain vehicles, utility type vehicles, motorbikes and motorcycles  
50 used for the purposes described in subsection (2) of section 49-426, Idaho

1 Code. Nonresidents shall be allowed to purchase a restricted vehicle li-  
2 cense plate and sticker for an all-terrain vehicle, utility type vehicle or  
3 motorbike.

4 (5) For all motor homes the fee shall be as specified in subsection (1)  
5 of this section and shall be in addition to the fees provided for in section  
6 49-445, Idaho Code.

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

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

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

28 (9) In addition to the annual registration fee in this section, there  
29 shall be an initial program fee of twenty-five dollars (\$25.00) and an an-  
30 nual program fee of fifteen dollars (\$15.00) for all special license plate  
31 programs for those license plates issued pursuant to sections 49-404A,  
32 49-407, 49-408, 49-409, 49-414, 49-416, 49-418 and 49-418D, Idaho Code.  
33 For special plates issued pursuant to sections 49-406 and 49-406A, Idaho  
34 Code, there shall be an initial program fee of twenty-five dollars (\$25.00)  
35 but there shall be no annual renewal fee. For special plates issued pur-  
36 suant to sections 49-415C, 49-415D, 49-415E, 49-416A, 49-416B, 49-416C,  
37 49-416D, 49-416E, 49-417, 49-417A, 49-417B, 49-417C, 49-417D, 49-417E,  
38 49-418A, 49-418B, 49-418C, 49-418E, 49-419, 49-419A, 49-419B, 49-419C,  
39 49-419D, 49-419E, 49-420, 49-420A, 49-420B, 49-420C, 49-420D, 49-420E,  
40 49-420G, 49-420H, 49-420I, 49-420J, 49-420K, 49-420L, 49-420M, and 49-420N  
41 and 49-420NO, Idaho Code, and any new special plate program effective on  
42 and after January 1, 2013, pursuant to section 49-402D, Idaho Code, there  
43 shall be an initial program fee of thirty-five dollars (\$35.00) and an annual  
44 program fee of twenty-five dollars (\$25.00). The fees contained in this  
45 subsection shall be applicable to all new special plate programs and shall  
46 be subject to staggered registration for the purpose of reregistration and  
47 notice of expiration. The initial program fee and the annual program fee  
48 shall be deposited in the state highway account and shall be used to fund the  
49 cost of administration of special license plate programs, unless otherwise  
50 specified by law.

1 (10) Any vehicle that does not meet federal motor vehicle safety stan-  
2 dards shall not be registered and shall not be permitted to operate on public  
3 highways of the state, as defined in section 40-117, Idaho Code, unless oth-  
4 erwise specifically authorized.

5 (11) In addition to annual registration fees as provided in this sec-  
6 tion, registrants may pay a fee to purchase an Idaho state parks passport  
7 authorizing resident motor vehicle entry into all Idaho state parks. Reg-  
8 istrants may pay the fee for a one (1) year or two (2) year period of time.  
9 The fee shall be ten dollars (\$10.00) for one (1) year and twenty dollars  
10 (\$20.00) for two (2) years. All fees collected pursuant to this subsection  
11 shall be deposited into the park and recreation fund and shall be subject to  
12 appropriation. Fees collected pursuant to this subsection shall not be con-  
13 sidered a motor vehicle registration fee as provided in section 17, article  
14 VII, of the constitution of the state of Idaho.

15 SECTION 24. That Section 49-420N, Idaho Code, as enacted by Section 2,  
16 Chapter 8, Laws of 2015, be, and the same is hereby amended to read as fol-  
17 lows:

18 49-420N. IDAHO FRIENDS OF THE NATIONAL RIFLE ASSOCIATION PLATES. (1)  
19 On and after July 1, 2015, any person who is the owner of a vehicle registered  
20 under the provisions of section 49-402, Idaho Code, or registered under any  
21 other section of law for which the purchase of special plates is allowed, may  
22 apply for and, upon department approval, receive Idaho friends of the na-  
23 tional rifle association license plates in lieu of regular license plates.  
24 The provisions of this section shall not apply to any vehicle with a regis-  
25 tered maximum gross weight over twenty-six thousand (26,000) pounds. Avail-  
26 ability of Idaho friends of the national rifle association license plates  
27 for other vehicles shall be subject to the rules, policies and procedures of  
28 the department.

29 (2) In addition to the regular registration fee required in chapter 4,  
30 title 49, Idaho Code, the applicant shall be charged a fee of thirty-five  
31 dollars (\$35.00) for the initial issuance of plates, and twenty-five dol-  
32 lars (\$25.00) upon each succeeding annual registration. Thirteen dollars  
33 (\$13.00) of the initial fee and thirteen dollars (\$13.00) of the renewal fee  
34 shall be deposited in the state highway account and shall be used to fund the  
35 cost of administration of this special license plate program. Twenty-two  
36 dollars (\$22.00) of each initial fee and twelve dollars (\$12.00) of each re-  
37 newal fee shall be transferred by the state treasurer for deposit with the  
38 national rifle association foundation Idaho state grant fund. The national  
39 rifle association foundation Idaho state grant fund is restricted to uti-  
40 lization of received funds within the state of Idaho.

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

46 (4) The Idaho friends of the national rifle association license plate  
47 shall be of a color and design in accordance with the provisions of section  
48 49-402C, Idaho Code. That portion of the design that features the Idaho  
49 friends of the national rifle association design shall be acceptable to the

1 secretary of the national rifle association. The design shall be approved by  
2 the Idaho transportation department utilizing a numbering system as deter-  
3 mined by the department. Initial costs of the plate program, including costs  
4 of plate design, shall be paid by the Idaho friends of the national rifle  
5 association.

6 (5) Sample Idaho friends of the national rifle association license  
7 plates may be purchased for a fee of thirty dollars (\$30.00), thirteen dol-  
8 lars (\$13.00) of which shall be deposited in the state highway account and  
9 seventeen dollars (\$17.00) of which shall be transferred to the national  
10 rifle association foundation Idaho state grant fund. The national rifle as-  
11 sociation foundation Idaho state grant fund is restricted to utilization of  
12 received funds within the state of Idaho. No additional fee shall be charged  
13 for personalizing sample plates.

14 SECTION 25. That the Heading for Chapter 56, Title 54, Idaho Code, as  
15 enacted by Section 1, Chapter 121, Laws of 2015, be, and the same is hereby  
16 amended to read as follows:

17 CHAPTER 567  
18 IDAHO TELEHEALTH ACCESS ACT

19 SECTION 26. That Section 54-5601, Idaho Code, as enacted by Section 1,  
20 Chapter 121, Laws of 2015, be, and the same is hereby amended to read as fol-  
21 lows:

22 54-56701. SHORT TITLE. This chapter shall be known and may be cited as  
23 the "Idaho Telehealth Access Act."

24 SECTION 27. That Section 54-5602, Idaho Code, as enacted by Section 1,  
25 Chapter 121, Laws of 2015, be, and the same is hereby amended to read as fol-  
26 lows:

27 54-56702. LEGISLATIVE FINDINGS. The legislature hereby finds the fol-  
28 lowing:

29 (1) Telehealth services enhance access to health care, make delivery of  
30 health care more cost-effective and distribute limited health care provider  
31 resources more efficiently.

32 (2) Citizens with limited access to traditional health care may be di-  
33 agnosed and treated sooner through telehealth services than they would be  
34 otherwise, resulting in improved health outcomes and less costly treatments  
35 due to early detection and prevention.

36 (3) Telehealth services address an unmet need for health care by per-  
37 sons who have limited access to such care due to provider shortages or geo-  
38 graphic barriers.

39 (4) Telehealth services provide increased capacity for appropriate  
40 care in the appropriate location at the appropriate time to better serve  
41 patients, providers and communities.

42 (5) When practiced safely, telehealth services result in improvement  
43 in health outcomes by expanding health care access for the people of Idaho.

1 SECTION 28. That Section 54-5603, Idaho Code, as enacted by Section 1,  
2 Chapter 121, Laws of 2015, be, and the same is hereby amended to read as fol-  
3 lows:

4 54-56703. DEFINITIONS. As used in this chapter:

5 (1) "Asynchronous store and forward transfer" means the transmission  
6 of a patient's health care information from an originating site to a provider  
7 at a distant site over a secure connection that complies with state and fed-  
8 eral security and privacy laws.

9 (2) "Distant site" means the site at which a provider delivering tele-  
10 health services is located at the time the service is provided.

11 (3) "Originating site" means the location of a patient at the time tele-  
12 health services are provided.

13 (4) "Provider" means a person who is licensed, required to be licensed,  
14 or, if located outside of Idaho, would be required to be licensed if located  
15 in Idaho, pursuant to title 54, Idaho Code, to deliver health care consistent  
16 with his or her license.

17 (5) "Synchronous interaction" means real-time communication through  
18 interactive technology that enables a provider and a patient at two (2) lo-  
19 cations separated by distance to interact simultaneously through two-way  
20 video and audio or audio transmission.

21 (6) "Telehealth services" means health care services provided by a  
22 provider to a person through the use of electronic communications, infor-  
23 mation technology, asynchronous store and forward transfer or synchronous  
24 interaction between a provider at a distant site and a patient at an origi-  
25 nating site. Such services include, but are not limited to, clinical care,  
26 health education, home health and facilitation of self-managed care and  
27 caregiver support.

28 SECTION 29. That Section 54-5604, Idaho Code, as enacted by Section 1,  
29 Chapter 121, Laws of 2015, be, and the same is hereby amended to read as fol-  
30 lows:

31 54-56704. SCOPE OF PRACTICE. A provider offering telehealth services  
32 must at all times act within the scope of the provider's license and accord-  
33 ing to all applicable laws and rules, including, but not limited to, this  
34 chapter and the community standard of care.

35 SECTION 30. That Section 54-5605, Idaho Code, as enacted by Section 1,  
36 Chapter 121, Laws of 2015, be, and the same is hereby amended to read as fol-  
37 lows:

38 54-56705. PROVIDER-PATIENT RELATIONSHIP. (1) If a provider offering  
39 telehealth services in his or her practice does not have an established  
40 provider-patient relationship with a person seeking such services, the  
41 provider shall take appropriate steps to establish a provider-patient rela-  
42 tionship by use of two-way audio and visual interaction; provided however,  
43 that the applicable Idaho community standard of care must be satisfied.  
44 Nothing in this section shall prohibit electronic communications:

45 (a) Between a provider and a patient with a preexisting provider-pa-  
46 tient relationship;

1 (b) Between a provider and another provider concerning a patient with  
2 whom the other provider has a provider-patient relationship;

3 (c) Between a provider and a patient where the provider is taking call  
4 on behalf of another provider in the same community who has a provider-  
5 patient relationship with the patient; or

6 (d) In an emergency.

7 (2) As used in this section, "emergency" means a situation in which  
8 there is an occurrence that poses an imminent threat of a life-threatening  
9 condition or severe bodily harm.

10 SECTION 31. That Section 54-5606, Idaho Code, as enacted by Section 1,  
11 Chapter 121, Laws of 2015, be, and the same is hereby amended to read as fol-  
12 lows:

13 54-56706. EVALUATION AND TREATMENT. Prior to providing treatment,  
14 including a prescription drug order, a provider shall obtain and document a  
15 patient's relevant clinical history and current symptoms to establish the  
16 diagnosis and identify underlying conditions and contraindications to the  
17 treatment recommended. Treatment recommendations provided through tele-  
18 health services shall be held to the applicable Idaho community standard  
19 of care that applies in an in-person setting. Treatment based solely on an  
20 online questionnaire does not constitute an acceptable standard of care.

21 SECTION 32. That Section 54-5607, Idaho Code, as enacted by Section 1,  
22 Chapter 121, Laws of 2015, be, and the same is hereby amended to read as fol-  
23 lows:

24 54-56707. PRESCRIPTIONS. (1) A provider with an established provider-  
25 patient relationship, including a relationship established pursuant to sec-  
26 tion 54-56705, Idaho Code, may issue prescription drug orders using tele-  
27 health services within the scope of the provider's license and according to  
28 any applicable laws, rules and regulations, including the Idaho community  
29 standard of care; provided however, that the prescription drug shall not be a  
30 controlled substance unless prescribed in compliance with 21 U.S.C. section  
31 802(54)(A).

32 (2) Nothing in this chapter shall be construed to expand the prescrip-  
33 tive authority of any provider beyond what is authorized by the provider's  
34 licensing board.

35 (3) No drug may be prescribed through telehealth services for the pur-  
36 pose of causing an abortion.

37 SECTION 33. That Section 54-5608, Idaho Code, as enacted by Section 1,  
38 Chapter 121, Laws of 2015, be, and the same is hereby amended to read as fol-  
39 lows:

40 54-56708. INFORMED CONSENT. A patient's informed consent for the use  
41 of telehealth services shall be obtained as required by any applicable law.

42 SECTION 34. That Section 54-5609, Idaho Code, as enacted by Section 1,  
43 Chapter 121, Laws of 2015, be, and the same is hereby amended to read as fol-  
44 lows:

1           54-56709. CONTINUITY OF CARE. A provider of telehealth services shall  
2 be available for follow-up care or to provide information to patients who  
3 make use of such services.

4           SECTION 35. That Section 54-5610, Idaho Code, as enacted by Section 1,  
5 Chapter 121, Laws of 2015, be, and the same is hereby amended to read as fol-  
6 lows:

7           54-56710. REFERRAL TO OTHER SERVICES. A provider shall be familiar  
8 with and have access to available medical resources, including emergency  
9 resources near the patient's location, in order to make appropriate patient  
10 referrals when medically indicated.

11           SECTION 36. That Section 54-5611, Idaho Code, as enacted by Section 1,  
12 Chapter 121, Laws of 2015, be, and the same is hereby amended to read as fol-  
13 lows:

14           54-56711. MEDICAL RECORDS. Any provider offering telehealth services  
15 as part of his or her practice shall generate and maintain medical records  
16 for each patient using such telehealth services in compliance with any ap-  
17 plicable state and federal laws, rules and regulations, including the health  
18 insurance portability and accountability act (HIPAA), P.L. 104-191 (1996),  
19 and the health information technology for economic and clinical health act  
20 (HITECH), P.L. 111-115 (2009). Such records shall be accessible to other  
21 providers and to the patient in accordance with applicable laws, rules and  
22 regulations.

23           SECTION 37. That Section 54-5612, Idaho Code, as enacted by Section 1,  
24 Chapter 121, Laws of 2015, be, and the same is hereby amended to read as fol-  
25 lows:

26           54-56712. ENFORCEMENT AND DISCIPLINE. A provider is prohibited from  
27 offering telehealth services in his or her practice if the provider is not in  
28 full compliance with applicable laws, rules and regulations, including this  
29 act and the Idaho community standard of care. State licensing boards shall  
30 be authorized to enforce the provisions of this chapter relating to the prac-  
31 tice of individuals they license. A provider who fails to comply with appli-  
32 cable laws, rules and regulations is subject to discipline by his or her li-  
33 censing board.

34           SECTION 38. That Section 54-5613, Idaho Code, as enacted by Section 1,  
35 Chapter 121, Laws of 2015, be, and the same is hereby amended to read as fol-  
36 lows:

37           54-56713. RULEMAKING. Any board authorized by title 54, Idaho Code, to  
38 license providers may promulgate rules relating to telehealth services pur-  
39 suant to this chapter and consistent with the provisions contained herein.

40           SECTION 39. That Section 59-1604, Idaho Code, be, and the same is hereby  
41 amended to read as follows:

1 59-1604. CREDITED STATE SERVICE. (1) For the purposes of payroll, va-  
 2 cation or annual leave, sick leave and other applicable purposes, credited  
 3 state service shall be earned by:

4 (a) The elective officers of the executive department, except the lieu-  
 5 tenant governor;

6 (b) Nonclassified officers and employees of any department, commis-  
 7 sion, division, agency or board of the executive department, except for  
 8 part-time members of boards, commissions and committees;

9 (c) Officers and employees of the legislative department, except mem-  
 10 bers of the house of representatives and the senate.

11 (2) Eligible nonclassified officers and employees shall accrue cred-  
 12 ited state service at the same rate and under the same conditions as is pro-  
 13 vided in section 67-5332, Idaho Code, for classified officers and employees.

14 (3) Members of the legislature, the lieutenant governor, and members  
 15 of part-time boards, commissions and committees, shall not be eligible for  
 16 annual leave or sick leave.

17 (4) Credited state service for those officers and employees identified  
 18 by section 67-5303(±j), Idaho Code, shall be as determined by the state board  
 19 of education, except no such officer or employee shall be credited with more  
 20 than two thousand eighty (2,080) hours during any twelve (12) month period.

21 Any policy and procedures determined by the state board of education  
 22 must be communicated to the state controller in writing at least one hundred  
 23 eighty (180) days in advance of the effective date of the policy and proce-  
 24 dures.

25 (5) Service for retirement purposes shall be as provided in chapter 13,  
 26 title 59, Idaho Code, or in chapter 20, title 1, Idaho Code.

27 SECTION 40. That Section 61-1702, Idaho Code, be, and the same is hereby  
 28 amended to read as follows:

29 61-1702. DEFINITIONS. (1) "Affected landowner" includes owners of  
 30 property interests, as reflected in the most recent county or city tax  
 31 records as receiving the tax notice, whose property:

32 (a) Is directly affected, either crossed or used, by the proposed  
 33 transmission line, including all facility sites, rights-of-way, access  
 34 roads and temporary work spaces; and

35 (b) Abuts either side of an existing right-of-way or facility site  
 36 owned in fee by any utility company, or abuts the edge of a proposed  
 37 transmission line or right-of-way which runs along a property line in  
 38 the area in which the transmission line would be constructed, or con-  
 39 tains a residence within fifty (50) feet of the proposed transmission  
 40 line.

41 (2) "Application" means any request by a transmitting utility for a  
 42 route certificate for the construction and operation of new transmission  
 43 facilities or the modification of existing transmission facilities located  
 44 in a national interest electric transmission corridor in Idaho.

45 (3) "Commission" means the Idaho public utilities commission.

46 (4) "Local government" means a city or county.

47 (5) "National interest electric transmission corridor" is any geo-  
 48 graphic area designated by the secretary of energy as experiencing electric



1 energy transmission capacity constraints or congestion pursuant to section  
2 1221 of the energy policy act of 2005.

3 (6) "Secretary" means the secretary of the United States department of  
4 energy.

5 (7) "Transmission facility" means:

6 (a) Newly constructed high voltage transmission lines with an operat-  
7 ing level capacity of one hundred fifteen thousand (115,000) volts or  
8 more;

9 (b) Rebuilt and upgraded existing high voltage transmission lines with  
10 an operating level capacity of at least fifty-seven thousand (57,000)  
11 volts to one hundred fifteen thousand (115,000) volts or more along the  
12 same right-of-way; or

13 (c) Electric facilities associated with high voltage transmission  
14 lines such as substations, switchyards or temporary contractor work  
15 yards.

16 (78) "Transmitting utility" is an entity that owns, operates or con-  
17 trols facilities used for the transmission of electric energy in interstate  
18 commerce.

19 SECTION 41. That Section 67-2345A, Idaho Code, as enacted by Section 2,  
20 Chapter 271, Laws of 2015, be, and the same is hereby amended to read as fol-  
21 lows:

22 ~~67-2345A~~ 74-206A. NEGOTIATIONS IN OPEN SESSION. (1) All negotiations  
23 between a governing body and a labor organization shall be in open session  
24 and shall be available for the public to attend. This requirement also ap-  
25 plies to negotiations between the governing body's designated representa-  
26 tives and representatives of the labor organization. This requirement shall  
27 also apply to meetings with any labor negotiation arbitrators, mediators or  
28 similar labor dispute meeting facilitators. Provided, however, a governing  
29 body or its designated representatives may hold an executive session for the  
30 specific purpose of:

31 (a) Considering a labor contract offer or to formulate a counteroffer;  
32 or

33 (b) Receiving information about a specific employee, when the informa-  
34 tion has a direct bearing on the issues being negotiated and a reason-  
35 able person would conclude that the release of that information would  
36 violate that employee's right to privacy.

37 (2) All documentation exchanged between the parties during negotia-  
38 tions, including all offers, counteroffers and meeting minutes, shall be  
39 subject to public writings disclosure laws.

40 (3) Any other provision of law notwithstanding, including any other  
41 provisions to the contrary in sections 33-402 and ~~67-2343~~ 74-204, Idaho  
42 Code, the governing body shall post notice of all negotiation sessions at the  
43 earliest possible time practicable. This shall be done by the governing body  
44 by immediately posting notice of the negotiation session on the front page  
45 of its official website. If time permits, the governing body shall also post  
46 notice within twenty-four (24) hours at its regular meeting physical posting  
47 locations.

48 (4) Public testimony, if any, shall be posted as an agenda item.

1 SECTION 42. That Section 67-2601A, Idaho Code, be, and the same is  
2 hereby amended to read as follows:

3 67-2601A. DIVISION OF BUILDING SAFETY. (1) The division of building  
4 safety will be headed by an administrator appointed by and serving at the  
5 will of the governor. The division administrator, deputy administrators and  
6 regional managers shall be nonclassified employees exempt from the provi-  
7 sions of chapter 53, title 67, Idaho Code.

8 (2) The administrator shall administer the following provisions and  
9 shall perform such additional duties as are imposed on him by law: chapter  
10 43~~1~~, title 39, Idaho Code, relating to the building code board; chapter 40,  
11 title 39, Idaho Code, relating to manufactured homes; chapter 43, title 39,  
12 Idaho Code, relating to modular buildings; chapter 21, title 44, Idaho Code,  
13 relating to manufactured home dealer and installer licensing; chapter 25,  
14 title 44, Idaho Code, relating to mobile home rehabilitation; chapter 10,  
15 title 54, Idaho Code, relating to electrical contractors and journeymen;  
16 chapter 19, title 54, Idaho Code, relating to licensing of public works  
17 contractors; chapter 26, title 54, Idaho Code, relating to plumbing and  
18 plumbers; chapter 45, title 54, Idaho Code, relating to public works con-  
19 struction management licensing; chapter 50, title 54, Idaho Code, relating  
20 to heating, ventilation and air conditioning systems; chapter 80, title 39,  
21 Idaho Code, relating to school building safety; and chapter 86, title 39,  
22 Idaho Code, relating to elevator safety.

23 (3) The administrator shall also have the authority to perform safety  
24 inspections and safety training programs for logging operations in Idaho.

25 (a) When an inspection reveals evidence of a condition that poses an im-  
26 mediate threat of serious bodily harm or loss of life to any person, the  
27 administrator may issue an order to immediately stop the work or close  
28 the facility or site where the threat exists. The safety order shall not  
29 be rescinded until after the threat has been corrected or removed.

30 (b) The safety order may be enforced by the attorney general in a civil  
31 action brought in the district court for the county wherein the haz-  
32 ardous work site or facility is located.

33 (c) Any person who knowingly fails or refuses to comply with such an or-  
34 der is guilty of a misdemeanor.

35 (d) The administrator shall promulgate rules adopting minimum logging  
36 safety standards and procedures for conducting inspections and safety  
37 training.

38 (4) In addition to safety inspections of state-owned public buildings  
39 conducted under chapter 23, title 67, Idaho Code, the administrator may con-  
40 duct safety inspections of buildings owned or maintained by political sub-  
41 divisions of the state upon receipt of a written request from the governing  
42 body of that political subdivision, subject to the availability of division  
43 resources and the requesting entity's agreement to pay the division's cur-  
44 rent fees for such an inspection.

45 (a) The findings of the inspection shall be reported to the governing  
46 body of the political subdivision.

47 (b) The administrator may promulgate rules adopting minimum safety  
48 standards and procedures for conducting such inspections, as well as  
49 fees for performing the same.

1 (c) For purposes of this section, "political subdivision" means any  
2 governmental unit or special district of the state of Idaho other than  
3 public school districts.

4 (5) In administering the laws regulating professions, trades and occu-  
5 pations that are devolved for administration upon the division, and in addi-  
6 tion to the authority granted to the administrator by the laws and rules of  
7 the agencies and entities within the division, the administrator may:

8 (a) Revise the operating structure of the division as needed to provide  
9 efficient and appropriate services to the various professions, trades,  
10 occupations and programs administered within the division;

11 (b) Conduct examinations to ascertain the qualifications and fitness  
12 of applicants to exercise the profession, trade or occupation for which  
13 an examination is held; pass upon the qualifications of applicants for  
14 reciprocal licenses, certificates and authorities; prescribe rules for  
15 a fair and impartial method of examination of candidates to exercise the  
16 respective professions, trades or occupations; issue registrations,  
17 licenses and certificates; and until fees are established in rule, the  
18 administrator shall charge a fee of seventy-five dollars (\$75.00) for  
19 each examination administered;

20 (c) Conduct hearings on proceedings to discipline, renew or reinstate  
21 licenses, certificates or authorities of persons exercising the re-  
22 spective professions, trades or occupations; appoint hearing officers,  
23 administer oaths, issue subpoenas, and compel the attendance of wit-  
24 nesses; revoke, suspend, refuse to renew, or take other disciplinary  
25 action against such licenses, certifications or authorities; and pre-  
26 scribe rules to recover costs and fees incurred in the investigation and  
27 prosecution of any certificate holder, licensee or registrant of the  
28 division, its boards, bureaus and programs, in accordance with the con-  
29 tested case provisions of chapter 52, title 67, Idaho Code, and the laws  
30 and rules of the boards, bureaus and programs the division administers;

31 (d) Assess civil penalties as authorized;

32 (e) Promulgate rules establishing: a coordinated system for the  
33 issuance, renewal, cancellation and reinstatement of licenses, cer-  
34 tificates, registrations and permits; assessment of all related fees;  
35 the terms by which fees may be prorated, if any; and procedures for the  
36 replacement of lost or destroyed licenses, certificates or registra-  
37 tions; and

38 (f) Promulgate other rules as may be necessary for the orderly admin-  
39 istration of the chapters specified in subsection (2) of this section  
40 and such rules as may otherwise be required by those chapters as well as  
41 rules for the standardization of operating procedures.

42 (6) Notwithstanding any law governing any specific board, bureau or  
43 program comprising the division of building safety, each board member shall  
44 hold office until a successor has been duly appointed and qualified.

45 (7) The administrator shall have the authority to employ individuals,  
46 make expenditures, enter into contracts, require reports, make investiga-  
47 tions, travel, and take other actions deemed necessary.

48 SECTION 43. That Section 67-4740, Idaho Code, be, and the same is hereby  
49 amended to read as follows:

1           67-4740. AGREEMENT WITH APPLICANT. With instruction from the coun-  
2 cil, and in accordance with criteria as established by rules, the director of  
3 the department shall enter into a reimbursement incentive agreement with the  
4 applicant, provided the agreement defines the following in addition to the  
5 terms as approved by the council:

6           (a) The term of the agreement, which in no case shall exceed fifteen  
7 (15) years;

8           (b) The projected new state revenues to be generated during the term of  
9 the project;

10           (c) The method and recordkeeping requirements to be used by the appli-  
11 cant to determine the new state revenue paid by the applicant. The approved  
12 tax credit percentage applied to new state revenue each year the applicant is  
13 entitled to receive the reimbursement during the term of the project;

14           (d) The projected new jobs;

15           (e) The terms and conditions of any and all requirements and measure-  
16 ments that must be met prior to the issuance of a tax credit authorization;

17           (f) The agreed-upon and necessary proof of compliance required prior to  
18 tax credit issuance. Proof of compliance provided by the applicant must be  
19 adequate to demonstrate to the director that all requirements and measure-  
20 ments have been met for the applicant to receive the tax credit;

21           (g) The consequences of default by the applicant;

22           (h) The period to be used to determine the taxes paid at the date of ap-  
23 plication; and

24           (i) ~~and~~ Identification of the individual or entity that is or will be  
25 claiming the refundable credit.

26           SECTION 44. That Section 67-7441, Idaho Code, be, and the same is hereby  
27 amended to read as follows:

28           67-7441. RECORDS. All papers, records, correspondence, communica-  
29 tions and proceedings of the Idaho state lottery and the commission shall  
30 be open to the public except as otherwise provided by statute; provided,  
31 however, that business records and information provided to the state lottery  
32 pursuant to sections 67-7412(8) and (9) and 67-7420~~1~~(8) and (9), Idaho Code,  
33 shall be subject to disclosure according to chapter 1, title 74, Idaho Code.

34           No lottery employee shall divulge or make known to any person in any man-  
35 ner any information which is exempt from disclosure, whatsoever, obtained  
36 directly or indirectly by him in the discharge of his duties, or permit any  
37 copy thereof to be seen. Any employee violating provisions of this section  
38 shall be guilty of a misdemeanor.